

Title 3

PERSONNEL

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Chapter 3.04
EMPLOYEE CODE OF ETHICS¹

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3.04.010 Code of ethics. There is established a code of ethics for all county officials and employees to provide guidance for public employees in the event of conflicts and to prevent conflicts of interest. (Ord. 1308 § 2, 1972).

3.04.015 Policy. It is the policy of King County that the private conduct and financial dealings of public officials and employees and of candidates for public office shall present no actual or apparent conflict of interest between the public trust and private interest.

Public confidence in government is essential and must be sustained by establishing and enforcing rules to assure the impartiality and honesty of officials and employees in all public transactions and decisions. Each affected agency of county government should inform its employees of the provisions of this chapter and strive to effectively enforce its requirements by seeking appropriate assistance from the office of citizen complaints, the board of ethics and the prosecuting attorney when considering and acting upon allegations of misconduct. (Ord. 9704 § 1, 1990).

3.04.017 Definitions. All words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

¹[For regulations prohibiting discrimination in employment by contractors, subcontractors, or vendors, see K.C.C. chapter 12.16.]

A. "Accomplice" means a person who with knowledge that an action will promote or facilitate the commission of a crime or violation of an ordinance:

1. Solicits, commands, encourages, or requests another person to commit it; or
2. Aids or agrees to aid such other person in planning or committing it.

B. "Compensation" means anything of economic value, however designated, which is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

C. "County action" means any action on the part of the county, including, but not limited to:

1. Any decision, determination, finding, ruling or order; and
2. Any grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or the failure to act with respect thereto. "County action" shall not include actions of the county's judicial branch but shall include employees of the department of judicial administration.

D. "County employee" or "employee" means any individual who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit or division of county government, however designated, but does not include employees of the county's judicial branch. The term "county employee" also includes county elected officials and members of county boards, commissions, committees, or other multi-member bodies, but does not include officials or employees of the county's judicial branch but does include employees of the department of judicial administration.

E. "Department" means:

1. In the executive branch, an executive department or administrative office which reports to the executive or the deputy county executive, as applicable;
2. The department of assessments;
3. The office of the prosecuting attorney;
4. In the legislative branch, the council together with any subordinate legislative branch agency;
5. The department of judicial administration.

F. "Doing business with the county" or "transactions with the county" means to participate in any proceeding, application, submission, request for ruling or other determination, contract, claim, case, or other such particular matter which the county employee or former county employee in question believes, or has reason to believe:

1. Is, or will be, the subject of county action; or
2. Is one to which the county is or will be a party; or
3. Is one in which the county has a direct and substantial proprietary interest.

G. "Gift" means anything of economic value, but shall not include campaign contributions regulated by the provisions of Chapter 42.17 RCW, the charter and ordinances implementing them, informational materials exclusively for official or office use, memorials, trophies, and plaques of no commercial value, gifts of \$20.00 or less for bona fide, non-recurring, ceremonial occasions or any gifts which are not used and which within thirty days after receipt are returned to the donor, or donated to a charitable organization without seeking a tax deduction.

H. "Immediate family" means a county employee's spouse, domestic partner, employee's child or the child of an employee's domestic partner, and other dependent relatives if living in his or her household.

I. "Ombudsman" means the director of the office of citizen complaints established pursuant to Section 260 of the charter and K.C.C. 2.52, or his or her designee.

J. "Participate" means, in connection with a transaction involving the county, to be involved in a county action personally and substantially as a county employee either directly, or through others through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise.

K. "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit. The term does not include governmental units of the State of Washington or the United States unless so specified.

L. "Respondent" means the person against whom a complaint is filed or an investigation is conducted.

M. "Retaliatory action" means any action by a supervisor or other employee which is intended to embarrass or to harass any person as a result of such person having filed a written complaint with the office of citizen complaints or having raised privately or publicly any concern or question regarding an actual or apparent violation of the provisions of this chapter.

N. "Thing of value" means anything of tangible worth which is not compensation or a gift. (Ord. 12014 § 2, 1995).

3.04.020 Just and equitable treatment. A. Use of Public Property. No county employee shall request or permit the use of county-owned vehicles, equipment, materials or property or the expenditure of county funds for personal convenience or profit. Use or expenditure is to be restricted to such services as are available to the public generally or for such employee in the conduct of official business.

B. Obligations to Citizens. No county employee shall grant any special consideration, treatment or advantage beyond that which is available to every other citizen.

C. Except as authorized by law and in the course of his or her official duties, no county employee shall use the power or authority of his or her office or position with the county in a manner intended to induce or coerce any other person to provide such county employee or any other person with any compensation, gift, or other thing of value directly or indirectly.

D. No county employee may ask for or receive, directly or indirectly, any compensation, gift, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty, or action by the county other than the compensation, costs or fees provided by law.

E. Campaign activities. County employees are encouraged to participate in the political process on their own time and outside of the workplace by working on campaigns for the election of any person to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of the facilities of King County for such purposes except as authorized by the provisions of RCW 42.17.130. (Ord. 9704 § 3, 1990; Ord. 1308 § 3, 1972).

3.04.030 Conflict of interest. No county employee shall engage in any act which is in conflict with the performance of official duties. A county employee shall be deemed to have a conflict of interest if the employee directly or indirectly:

A. Receives or has any financial interest in any purchase, sale or lease to or by the county of any service or property when such financial interest was received or obtained with the prior knowledge that the county intended to purchase, sell or lease such property or service;

B. Is beneficially interested, directly or indirectly, in any contract, sale, lease, option or purchase that may be made by, through, or under the supervision of the employee, in whole or in part, or accepts, directly or indirectly, any compensation, gift or thing of value from any other person beneficially interested therein;

C. Accepts or seeks for others, directly or indirectly, any employment, travel expense, service, information, compensation, gift or thing of value on more favorable terms than those granted to other county employees or the public generally, from any person, doing business, or seeking to do business with the county for which the employee has responsibility or with regard to which he or she may participate, provided that this subsection shall not apply to the receipt by elected officials, or by employees who are supervised directly by an elected official, of meals, refreshments or transportation within the boundaries of the county when given in connection with meetings with constituents or meetings which are informational or ceremonial in nature;

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D. Accepts, directly or indirectly, any gift, favor, loan, retainer, entertainment, travel expense, compensation or other thing of value from any person doing business or seeking to do business with the county when such acceptance may conflict with the performance of the employee's official duties.

A conflict shall be deemed to exist where a reasonable and prudent person would believe that the gift, compensation, thing of value, or more favorable terms, was given for the purpose of obtaining special consideration or to influence county action.

The financing of the conduct of county election campaigns shall continue to be governed by the provisions of RCW 42.17 and the provisions of the charter and ordinances;

E. Participates in, influences, or attempts to influence, directly or indirectly, the selection of, or the conduct of business or a transaction with a person doing or seeking to do business with the county if the employee has a financial interest in or with said person;

F. Discusses or accepts an offer of future employment with any person doing or seeking to do business with the county if either:

1. The employee knows or has reason to believe that the offer of employment was or is intended, in whole or in part, directly or indirectly, as compensation or reward for the performance or nonperformance of a duty by the employee during the course of county employment or to influence county action pertaining to the business, or

2. The employee has responsibility for a matter upon which the person is doing or seeking to do business with the county unless the employee has first disclosed in writing to his or her appointing authority that the employee intends to discuss future employment with a specific person and the appointing authority has designated, in a memorandum filed with the ombudsman and the clerk of the council, a method of providing for an alternative decisionmaker with regard to matters involving such person for which the employee otherwise would have responsibility;

G. Within one year of entering county employment awards a county contract or participates in a county action benefiting a person that formerly employed him or her provided, that participation other than contract award may be authorized in a memorandum by the appointing authority following written disclosure by the affected employee and that such authorization shall be filed with the ombudsman and the clerk of the council;

H. Is an employee, agent, officer, partner, director or consultant of any person doing or seeking to do business with the county, unless such relationship has been disclosed as provided by this chapter;

I. Engages in or accepts compensation, employment or renders services for any person or a governmental entity other than the county when such employment or service is incompatible with the proper discharge of official duties or would impair independence of judgment or action in the performance of official duties. In addition, the following employees must obtain the prior written consent of their highest ranking supervisor authorizing either new or continued employment, or the acceptance of any compensation or any thing of value for services performed outside King County government:

1. The deputy county executive, the chief officer of each executive department or administrative office as defined by the provisions of the charter, the manager of each division of such department or office, and all persons who report directly to such individuals;

2. All non-elected council employees, provided that the personal staff of each individual councilmember shall obtain such consent from such councilmember;

3. All non-elected employees of the prosecuting attorney;

4. All non-elected employees of the department of judicial administration;

5. All non-elected employees of the department of assessments.

If such employment or service is deemed by the highest-ranking supervisor to pose a conflict of interest, the employee immediately shall divest such employment and failure to do so shall be grounds for dismissal;

J. Enters into a business relationship outside county government with any other employee for whom he or she has any supervisory responsibility;

K. Enters into a business relationship outside county government with any person with regard to a matter for which the employee has responsibility as a county employee;

L. Appears on behalf of a person before any regulatory governmental agency, or represents a person in any action or proceeding against the interest of the county in any litigation to which the county is a party, unless the employee has a personal interest in the litigation and this personal interest has been disclosed to the regulatory governmental agency or adjudicating individual or body. A county council member may appear before regulatory governmental agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation, or any gift or thing of value that is contingent upon a specific action by a county agency;

M. Directly or indirectly possesses a substantial or controlling interest in any person which does or seeks to do business with the county, without disclosing such interest as provided by this chapter. A substantial interest is an interest that exceeds one-tenth of one percent of the outstanding securities of the person; or, if the interest is in an unincorporated business concern, exceeds one percent of the net worth of such concern; or the financial interest of a person exceeds five percent of the net worth of the employee and his or her immediate family;

N. As a county council member has a financial or other private interest in any legislation or other matter coming before the council, and fails to disclose such an interest on the records of the county council. This provision shall not apply if the county council member disqualifies himself or herself from voting by stating the nature and extent of such interest. Any other employee who has a financial or other private interest, and who participates in an action or proposed action of the county council and fails to disclose on the records of the county council the nature and extent of such interest, shall be deemed in violation of this chapter;

O. Has an interest in any property being considered for revaluation by the county board of appeals and equalization or has a personal interest or connection with another person's petition for revaluation while:

1. An elected county official,
2. Deputy county executive and his/her confidential secretary,
3. The executive's administrative assistants and office manager,
4. County councilmembers' executive secretaries,
5. County administrative officer, his/her administrative assistants and his/her confidential secretary,
6. Chief officer of each executive department, his/her administrative assistants, and his/her confidential secretary,
7. Chief officer of each administrative office, his/her administrative assistants, and his/her confidential secretary,
8. Council administrator, his/her administrative assistants, and his/her secretary,
9. The ombudsman and his/her staff,
10. All employees of the department of assessments,
11. All employees assigned to the board of equalization and/or the board of appeals,
12. Any other county employee who has direct contact with the board of appeals and equalization in the carrying out of his or her duties, and
13. Member of the county board of appeals and/or board of equalization,
14. Clerk of the council, his/her secretaries;

All persons listed in subsections 1-14 above, who wish to appeal to the county board of equalization on a matter of property revaluation shall be governed by the procedure set forth in K.C.C. 3.04.040;

P. As an appointive member of a board or commission, has a close relative serving on the same board or commission. For the purposes of this subsection, close relative is defined as:

Husband		Wife
Father		Father-in-law
Mother		Mother-in-law
Brother		Brother-in-law
Sister		Sister-in-law
Son-in-law		Daughter-in-law
Niece		Nephew
Grandparent		Grandchild
Uncle		Aunt
Child		Child of domestic partner
Domestic partner		

In addition, the relatives of a domestic partner shall be considered close relatives to the same extent such relatives would be included in this paragraph if the employee and the domestic partner were married.

Q. Discloses or uses for the personal benefit of the employee or his or her immediate family any information acquired in the course of official duties which is not available as a matter of public knowledge or public record;

R. Acts as an accomplice in any act by an immediate family member which, if such act were performed by the employee would be prohibited by the provisions of paragraphs A, B, C, D, E, F, G, H, J, K, M, N, O or Q of this section; provided, however, that it shall not be a conflict of interest for such family member to enter into a bona-fide contract of employment which is not intended to influence the action of the county employee;

S. The provisions of paragraphs B, E, and N of this section are not violated by the possession by an employee of a financial interest in a person or other entity which is not a substantial interest as defined by paragraph M of this section. (Ord. 12014 § 3, 1995).

3.04.035 Conflict of Interest - former employees and members of county boards and commissions. A. A conflict of interest shall be deemed to exist if any individual who has served as a member of a county board or commission, does within a period of two years after the termination of such service, appear before such board or commission, or receives compensation for any services rendered on behalf or in assistance of any person in relation to any action with respect to which such individual was directly concerned and in which he or she personally participated, either directly or indirectly, during the period of his or her service. The foregoing will also apply during the same period of time to any individual who is a partner, associate, or member of a person with which the former board or commission member has a financial interest;

B. All other county employees are prohibited from attempting to influence for compensation their former departments within one year after termination of county employment: provided, that such prohibition shall not apply to former deputy prosecuting attorneys with respect to their representation of defendants in criminal proceedings; and, provided further that such prohibition shall not apply to former career service employees whose termination of county employment is solely the result of a reduction in force due to lack of work, lack of funds or considerations of efficiency so long as such former employee does not participate in work related to any application, permit, approval or contract on which, while a county employee, he or she personally participated or acquired information in the course of official duties which is not available as a matter of public knowledge or public record. For two years after leaving the county's employ, former employees are required to disclose past county employment prior to participation in any county action;

C. No former county employee may assist any person for compensation or share in compensation received by any person on matters concerning which the former employee is prohibited from participating personally. (Ord. 10841 § 1, 1993: Ord. 9704 § 5, 1990: Ord. 6144 § 2, 1982).

3.04.037 Duty to notify supervisor. Any employee who becomes aware that he or she may have a potential conflict of interest which arises in the course of his or her official duties shall notify in writing his or her supervisor or appointing authority of such potential conflict.

Upon receipt of such notification the supervisor or appointing authority shall take action to resolve the potential conflict of interest, including but not limited to designating within a reasonable time an alternative employee to perform the duty which is involved in the potential conflict. The disposition of the potential conflict shall be stated in writing in files maintained by the supervisor or official. The supervisor or official may request an advisory opinion from the board of ethics before disposing of such potential conflict. (Ord. 11185 § 3, 1993: Ord. 9704 § 8, 1990).

3.04.040 Board of Equalization Appeals. All persons deemed to have a conflict of interest, pursuant to Section 3.04.030(O), and wishing to appeal to the county board of equalization shall be governed by the following procedure;

The appeal shall be automatically denied by the county board of equalization without hearing and a minute entry shall be made. The petitioner may then take action to appeal the decision of the county board of equalization to the State Board of Appeals in accordance with RCW 84.08.130.

However, the Board of Equalization may grant a change of venue to a Board of Equalization of another county, as provided in Title 2, K.C.C., in lieu of automatic denial, when:

A. A quorum cannot be achieved due to members of the board disqualifying themselves because of conflicts of interest or the appearance of fairness doctrine; or

B. When equalization is the basis for an appeal by a member of the board, assistants to the board, or any member of the county governmental authority or his or her own property or on property in which that person has an interest. (Ord. 11185 § 4, 1993: Ord. 6411, 1983: Ord. 1308 § 5, 1972).

3.04.050 Statement of financial and other interests. A. All candidates for county elective office, except for judicial candidates, and nominees for appointment to county boards and commissions, within two weeks of becoming a candidate or nominee, and all elected officials who are defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county funds shall file with the division of records and elections a code of ethics statement of financial and other interests as defined in this section. These requirements may be satisfied by filing with the division of records and elections a copy of the report required to be filed by RCW 42.17.240, if this report contains an original signature of the person filing the report. The division of records and elections shall forward a copy of such statements, reports and forms to the board of ethics within 10 days of their receipt.

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B. Within ten days of employment or appointment and on or before April 15 of each year thereafter, the following employees shall file a written statement of financial and other interests, as defined in this section, with the board of ethics: all employees appointed by the county executive; all employees appointed by the deputy county executive or department directors and who are subject to the approval of the county executive; all employees of the council; and such additional employees as may be determined in accordance with criteria adopted by the board of ethics under subsection C of this section.

C. The board of ethics shall adopt by rule criteria for determining which employees, in addition to those designated in subsection B of this section, are required to complete and file statements of financial and other interests. The criteria must consider the association between the duties and responsibilities of employees and the conflict of interest provisions in K.C.C. 3.04.030.

D. The statement of financial and other interests required to be filed under this section must include the following information of which the employee has, or reasonably should have, knowledge for the reporting year:

1. Compensation, gifts and things of value:
 - a. the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King County in which the employee may participate or has responsibility for, from whom the employee or a member of the employee's immediate family received any compensation, gift or thing of value; and
 - b. the name of the individual who received the compensation, gift or thing of value and the individual's relationship to the employee;
2. Financial interests:
 - a. the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King County in which the employee may participate or has responsibility for, in whom the employee or a member of the employee's immediate family possessed a financial interest; and
 - b. the name of the individual who possessed the financial interest and the individual's relationship to the employee;
3. Positions:
 - a. the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King County in which the employee may participate or has responsibility for, with whom the employee or a member of the employee's immediate family held a position;
 - b. the name of the individual who held the position and the individual's relationship to the employee; and
 - c. the title of the position; and
4. Real property:
 - a. real property, listed by street address, assessor parcel number or legal description that was either involved in or the subject of an action by King County, in which the employee or a member of the employee's immediate family possessed a financial interest;
 - b. the name of the individual who possessed the financial interest and the individual's relationship to the employee; and
 - c. the name of the King County department involved in the transaction.

Property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of assessments and the board of appeals who are required to file a report. The use of the individual made of the real property, such as recreation, personal residence or income, does not have to be reported.

E. For purposes of the statements of financial and other interests required to be filed annually, the "reporting year" means the preceding calendar year. For purposes of the statements of financial and

other interests to be filed within ten days of employment or appointment, the "reporting year" means the preceding twelve calendar months.

F. An individual filing a statement of financial affairs under subsection A of this section shall swear that the statement is a complete copy of the statement filed under state law and that the information contained in the statement is true and accurate. A county employee filing a statement of financial and other interests under subsection B of this section shall swear that the information in the statement is true and accurate.

G. The financing of election campaigns shall continue to be governed by other applicable local, state, and federal laws, and not by the provisions of this chapter.

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H. Filing of the written statement of financial and other interests, as defined in this section, does not relieve the employee of the duty to notify his or her supervisor of a potential conflict of interest as required by K.C.C. 3.04.037.

I. The board may adopt rules and regulations by which affected employees may request suspension or modification of the requirements to disclose financial and other interests set forth in this section if the literal application of the requirements would cause a manifestly unreasonable hardship and the suspension or modification would not frustrate the purposes of this chapter.

J. The board of ethics may adopt necessary and appropriate rules, regulations and forms related to completing, filing, maintaining and disclosing statements of financial and other interests under this section. The board, if adopting the rules, regulations and forms, shall adopt them as provided in K.C.C. chapter 2.98. (Ord. 13657 § 1999: Ord. 9704 § 6, 1990: Ord. 4808 § 1, 1980: Ord. 2294 § 1, 1975: Ord. 2184 § 2, 1974: Ord. 1308 § 6, 1972).

3.04.055 Complaints, Investigations. A. It shall be the responsibility of the ombudsman to investigate and report apparent criminal violations of this chapter to the appropriate law enforcement authorities and to enforce this ordinance according to the powers granted herein;

B. Complaints alleging a violation of any of the provisions of this chapter shall be filed with the ombudsman. Any such complaint shall be in writing, verified and signed by the complainant. The complainant may state in writing whether the complainant wishes his or her name not to be disclosed pursuant to the provisions of RCW 42.17.310(e). The complaint shall describe the basis for the complainant's belief that this chapter has been violated;

C. Upon receipt of a complaint meeting the requirements of subsection B of this section, the ombudsman shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint to the person alleged to have violated this chapter within twenty days after the filing of said complaint, and shall promptly make an investigation thereof;

D. The investigation by the ombudsman shall be directed to ascertain the facts concerning the violation or violations of this chapter alleged in the complaint and shall be conducted in an objective and impartial manner and in furtherance of such investigation the ombudsman is authorized to use the subpoena power to compel sworn testimony from any person and require the production of any records relevant or material to the investigation except information which is legally privileged or otherwise required by law not to be disclosed;

E. During the investigation, the ombudsman shall consider any statement of position or evidence with respect to the allegations of the complaint which the complainant or respondent, wishes to submit;

F. The results of the investigation shall be reduced to written findings of fact and the finding shall be made that there either is or is not reasonable cause for believing that the respondent has violated one or more of the provisions of this chapter.

G. If a finding is made that there is no reasonable cause, said finding shall be served or mailed, by certified mail, return receipt requested, to the complainant and the respondent, and a copy shall be provided to the board of ethics;

H. If the finding is made that reasonable cause exists to believe that the respondent has violated one or more of the provisions of this chapter, the ombudsman shall prepare an order to that effect, copies of which shall be served or mailed, by certified mail, return receipt requested, to the complainant and the respondent, and the original thereof filed with the division of records and elections. Copies of the order shall also be provided to the highest ranking supervisor of the respondent, the office of the prosecuting attorney, and the board of ethics. Such reasonable cause order shall include:

1. A finding that one or more violations of the chapter has occurred;
2. The factual basis for such finding.
3. A notice informing the respondent that the respondent has the right to request a hearing before the board of ethics as set forth in Section 3.04.057. (Ord. 11185 § 5, 1993; Ord. 9704 § 9, 1990).

3.04.057 - 3.04.060

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3.04.057 Appeal. A. Any respondent aggrieved by an order of the ombudsman may request in writing within twenty days of the service of the order upon the respondent an appeal hearing before the board of ethics. The request shall cite the order appealed from and specify with particularity the findings being contested. The request shall be filed with the board of ethics, with a copy provided to the ombudsman;

B. Any order issued by the ombudsman pursuant to K.C.C. 3.04.055 shall become final twenty days after service of the order unless a written request for an appeal hearing as set forth above is received by the board of ethics within the twenty-day period;

C. If an order of the ombudsman has been timely appealed, a hearing shall be conducted by the board of ethics for the purpose of affirming, denying, or modifying the order. The parties to the hearing shall be the respondent and the ombudsman or his or her designee. There shall be a verbatim record kept of the hearing and the board of ethics shall have the power to administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records relevant or material to the hearing. The burden of proving that a violation occurred shall at all times be upon the ombudsman. The board of ethics' decision shall be based upon a preponderance of the evidence. Such hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to the parties;

D. At the hearing, each party shall have the following rights:

1. To call and examine witnesses on any matter relevant to the issues raised by the order of the ombudsman or his or her designee;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any relevant matter;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence against him or her; and
6. To represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so;

E. Following review of the evidence submitted, the board shall within a reasonable time enter written findings and conclusions and shall affirm or modify the order previously issued if the board finds that one or more violations of this chapter has occurred. The board shall reverse the order if it finds no violations of this chapter have occurred. A copy of the board's decision shall be served or mailed, by certified mail, return receipt requested, to the ombudsman and the respondent, and the original thereof filed with the division of records and elections. Copies of the board's decision shall also be provided to the highest ranking supervisor of the respondent, the office of the prosecuting attorney, and the complainant. (Ord. 11185 § 6, 1993; Ord. 9704 § 10, 1990).

3.04.060 Penalties. A. Criminal Penalties. Any negligent or willful violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail not to exceed ninety days; or both;

B. Civil Penalties and Disciplinary Action.

1. Any elected official who commits a violation of this chapter shall be subject to penalties as provided by RCW 42.12.010 and King County Charter and shall be subject to a civil penalty of an amount not to exceed the lesser of one month of the respondent's county pay or the amount authorized by law. Any person having an existing contract with King County or seeking to obtain a contract who willfully attempts to secure preferential treatment in his/her dealings with the county by offering any

valuable consideration, thing of value or gift, whether in the form of services, loan, thing or promise, in any form to any county official or employee, shall have his/her current contracts with the county canceled and shall not be able to bid on any other county contract for a period of two years.

2. An employee of the county who commits a violation of this chapter shall be subject to disciplinary action, up to and including termination from employment; provided that such disciplinary action is consistent with Career Service Guidelines and collective bargaining agreements. An employee of the county who commits a violation of this chapter shall also be subject to a civil penalty; provided that such penalty shall not exceed the lesser of one month of the respondent's county pay or the amount authorized by law.

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3. Members of boards and commissions who commit a violation of this chapter shall be subject to immediate removal from such appointment.

C. Civil and criminal liability under the provisions of this section shall be imposed on any person who either directly or as an accomplice commits a violation of this chapter.

D. A county employee who engages in retaliatory action as defined herein shall be subject to civil and criminal penalties as set forth in this section. (Ord. 11185 § 7, 1993: Ord. 9704 § 7, 1990: Ord. 1308 § 7, 1972).

3.04.070 Constitutionality. Should any section, subsection, paragraph, sentence, clause or phrase of Sections 3.04.010 through 3.04.060 be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of Sections 3.04.010 through 3.04.060. (Ord. 1308 § 8, 1972).

3.04.080 Board of ethics - Membership and terms. There is created a board of ethics, composed of five members, two to be appointed by the county executive, two to be appointed by the county executive from a list of nominees submitted by the county council, and the fifth, who shall be chairman, to be appointed by the county executive from a list of nominees submitted by the other four members. All appointments are to be confirmed by the county council. The terms of the board members shall be three years. The first three members shall be appointed for one, two and three-year terms respectively. The chairman shall have a three-year term; the other terms are to be determined by lot. A member of the board of ethics may be removed for just cause by a two-thirds vote of the county council, after written charges have been served on the member and a public hearing has been held by the county council. The board shall be advisory and shall meet as frequently as it deems necessary. A majority of the board shall constitute a quorum. (Ord. 11185 § 8, 1993: Ord. 1321 § 2, 1972).

3.04.090 Board of ethics - Purpose. The purpose of the board of ethics shall be to insure proper implementation of the code of ethics and to investigate and report on conflicts of interest. (Ord. 1321 § 3, 1972).

3.04.100 Board of ethics - Authority. A. Whenever requested by a county officer or employee, or whenever it deems it in the public interest, the board of ethics shall render advisory opinions, in writing, concerning questions of ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the opinion shall be delivered to the ombudsman, the county executive and all members of the King County council. Such opinion may also be released to the public at the discretion of the board with such omissions as may be necessary to protect the confidence and privacy of county officers or employees. A written copy of the board's opinion shall be delivered to the officer or employee requesting the opinion.

B. The board shall hear appeals from orders of the ombudsman as provided in this chapter. (Ord. 9704 § 12, 1990: Ord. 1321 § 4, 1972).

3.04.110 Board of ethics - Income disclosure. The board of ethics shall adopt and promulgate rules and regulations delineating personnel employed by the county, not included in the county code of ethics, who shall be required to complete and file statements of disclosure of income and investments.

The statements of elected officials, candidates, department directors, division managers, the deputy county executive and the county executive's administrative assistants shall be public record. All other statements shall not be made public without written approval of the board of ethics. (Ord. 3434 § 1, 1977: Ord. 1321 § 5, 1972).

3.04.120 Disclosure of interests by consultants. A.1. Each consultant entering into a contract to provide professional or technical services to the county costing in excess of two thousand five hundred dollars shall file both with the King County board of ethics and the executive a sworn written statement disclosing the following information:

a. any office or directorship in the consultant held by any county employee or any member of his or her immediate family;

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b. any financial interest in the consultant held or received by any county employee or any member of his or her immediate family as follows:

(1) ownership of over five percent of the stock or other form of interest in the consultant; and

(2) receipt of any compensation, gift or thing of value from the consultant;

c. a list of all contracts between the consultant and the county in the five years immediately preceding the presently contemplated contract including the amount of money paid by the county to the consultant pursuant to each contract;

d. any position or positions on any county board or commission, whether salaried or unsalaried, held by any officer or director of the consultant in the five years immediately preceding the presently contemplated contract; and

e. any other information known to the consultant about any interest or relationship whatsoever between any county employee, including any member of his or her immediate family, and the consultant, other than that disclosed pursuant to subsection A.1.a. through d. of this section.

2. Unless otherwise specified in this section, the information disclosed shall cover the period twenty-four months before and including the date of filing the sworn statement.

B. No payment shall be made on any contract with any consultant until five days after receipt by the board of ethics and the executive of the information required to be disclosed by this section.

C. For purposes of this section, "consultant" means a person, as defined in K.C.C. 3.04.017, who by experience, training and education has established a reputation or ability to provide professional or technical services, as defined in K.C.C. 4.16.010, on a discrete, nonrecurring basis over a limited and preestablished term as an independent contractor to the county. (Ord. 13710 § 1, 2000: Ord. 12138 § 4, 1996).

3.04.130 Authorization to Implement Procedures. The ombudsman and the board of ethics are each authorized to implement such forms, administrative processes, and operational procedures as are necessary to comply with the provisions of this chapter; provided that any rules governing the conduct of contested hearings shall be promulgated in compliance with K.C.C. 2.98, Rules of County Agencies.

The executive is directed to prepare, with the assistance of council staff, the office of the prosecuting attorney, the ombudsman and the board of ethics, information regarding the provisions of this chapter to be made available to employees and members of boards and commissions the availability of these materials and of copies of this chapter shall be described in a summary form which shall be distributed to all county employees on or before April 20, 1994 and an acknowledgment of receipt of such form shall be signed and returned by each employee to the office of human resource management on or before May 20, 1994. Each new employee shall sign and return such form prior to commencing work for King County. (Ord. 11185 § 9, 1993: Ord. 9704 § 13, 1990).

3.04.140 Forwarding to District and Superior Courts. The executive is directed to forward a copy of Ordinance 9704 to the presiding judges of the district and superior courts for consideration by the courts in their evaluation of possible future amendments to existing codes of judicial conduct and personnel administration. (Ord. 9704 § 14, 1990).

3.04.150 Severability. The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 9704 § 15, 1990).

3.04.160 Effective date. Ordinance 9704 shall take effect on March 31, 1991; provided, that in the event that any provision herein is in conflict with the provisions of a collective bargaining agreement in effect upon such date, the agreement shall control as to employees in such bargaining unit during the term of such agreement. (Ord. 9704 § 16, 1990).

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PERSONNEL BOARD

3.08.010 - 3.08.035

Chapter 3.08 PERSONNEL BOARD

Sections:

- 3.08.010 Elections for career service employee representative on board.
- 3.08.020 Election dates.
- 3.08.030 Voters eligible.
- 3.08.035 Candidates.
- 3.08.040 Filing.
- 3.08.050 Ballot listing.
- 3.08.060 Notice of elections.
- 3.08.070 Conduct of elections.
- 3.08.100 Subpoena power of board.
- 3.08.110 Compensation.
- 3.08.120 Administrative support.

3.08.010 Elections for career service employee representative on board. Primaries and elections are hereby established for the purpose of nominating and electing a personnel board member by the King County career service employees as provided in Section 540 of the King County Charter. (Ord. 11808 § 1, 1995: Ord. 543 § 1, 1970).

3.08.020 Election dates. A. Commencing in 1995, a nominating primary for candidates for the position of career service representative on the personnel board shall be held on the first Tuesday of June and the election of candidates nominated at the primary shall be conducted on the fourth Tuesday of June, and shall continue to be conducted on the first and fourth Tuesday in June every five years thereafter.

B. The candidate receiving the highest number of votes and the candidate receiving the second highest number of votes in the nominating primary shall both be nominated for the election.

C. At the election held on the fourth Tuesday of June, the nominee receiving the highest number of votes shall be elected.

D. If a candidate receives more than fifty percent of the votes cast by the eligible voters in the nominating special elections primaries as authorized herein, there shall be no further elections and the candidate will be elected.

E. In the event of a vacancy, as defined in RCW 42.12.010, an election to fill the vacancy shall be held on the fourth Tuesday of June that is more than two months following the vacancy, a special three day filing period will be held in the first week of June. The candidate receiving the highest number of votes of all candidates shall be elected to fill the remainder of the term commencing immediately upon certification of the election. (Ord. 11808 § 2, 1995: Ord. 602 § 1, 1970: Ord. 543 § 2, 1970).

3.08.030 Voters eligible. Persons eligible to vote in elections authorized herein are the members of the county career service as set forth in Chapter 3.12 of this title and Section 550 of the County Charter. (Ord. 543 § 3, 1970).

3.08.035 Candidates. Any resident of the State of Washington except a current employee of King County including the department of metropolitan services as defined in K.C.C. 3.12.010 is eligible to file for the candidacy for the position of career service employee representative. (Ord. 11808 § 6, 1995).

3.08.040 - 3.08.110

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3.08.040 Filing. Candidates for county personnel board member shall file declarations of candidacy with the records and elections division not earlier than twenty-nine days and not later than twenty-five days prior to the primary during each election year prescribed herein. Any candidate may withdraw his or her declaration not later than nineteen days prior to the first election during each election year prescribed herein. A non-refundable five dollar filing fee shall be charged for filing a declaration of candidacy. (Ord. 11808 § 3, 1995; Ord. 543 § 4, 1970).

3.08.050 Ballot listing. The names of candidates for personnel board member to be voted upon at both special elections shall be printed upon the official ballots in alphabetical order. (Ord. 543 § 5, 1970).

3.08.060 Notice of elections. A. Notice of the candidacy filing period and of each primary and election shall be prepared by the records and elections division and distributed to all county agencies employing persons eligible to vote. Agency directors and managers shall ensure that eligible employees under their supervision are provided notification. Copies of the notices shall be posted in prominent places within buildings in which eligible employees are employed.

B. The notice for the candidacy filing period shall be made not later than thirty-five days prior to the date of the primary. The notice of the primary and election shall be made not later than twenty-five days prior to the date of the primary prescribed by this chapter. (Ord. 11808 § 4, 1995; Ord. 543 § 6, 1970).

3.08.070 Conduct of elections. The primaries and elections called for in this chapter shall be conducted by the records and elections division generally following the procedures for conducting county elections except as otherwise provided in this chapter or as prescribed by administrative rules promulgated by the records and elections manager. The manager is authorized to conduct such elections by mail ballot including distribution with employee paychecks or by the U.S. postal service. Ballots may be returned to the records and elections division via the U.S. postal service or in a secure manner as approved by the manager of the records and elections division. The results of the election shall be certified by the records and elections manager. The manager shall issue certificates of nomination as applicable and a certificate of election to the successful candidate.

Any resident of the State of Washington, except a current employee of the county, is eligible to file for candidacy for the position of career service employee representative. (Ord. 12014 § 4, 1995).

3.08.100 Powers of board. Under Section 540 of the King County Charter, the King County personnel board is hereby granted the power to administer oaths and affirmations and to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses before the board and to provide information relevant to any appeal within the jurisdiction of the board: provided, that any witness shall have the right to be represented by counsel. (Ord. 13509 § 1, 1999; Ord. 327 § 1, 1970).

3.08.110 Compensation. For time devoted to the official work of the personnel board, each member thereof shall receive a per diem of one hundred dollars to be paid out of the current expense fund; provided that a per diem of seventy-five dollars shall be paid for official board work of three hours or less; provided further that an additional twenty-five dollars per day will be paid to the chair of the board during any full day (six hours or more) or thirteen dollars for work of three hours or less in which board business is conducted. The county is further authorized to pay for reasonable parking expenses of personnel board members while board business is conducted.

Further, the executive shall report back to the council no later than December 31, 1999 on the expenses incurred during the calendar year of 1999 at the new per diem rate and shall make recommendations to the council on any further adjustments to the per diem rate as may be needed at that time. (Ord. 13370 § 1, 1998: Ord. 4809 § 1, 1980: Ord. 1572 § 1, 1973: Ord. 174 (part), 1970).

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3.08.120 - 3.10.020

3.08.120 Administrative support. Beginning January 1, 1999, administrative support to the personnel board will be provided by the clerk of the board of appeals and equalization authorized by K.C.C. 2.34.040. Authority for appointment of the clerk and staff will remain with the board of appeals and equalization; however, the chair of the personnel board may bring concerns about performance and related issues to the attention of the chair of the board of appeals and equalization for resolution.

The board of appeals and equalization will be reimbursed by the office of human resources management for costs related to personnel board activities such as board per diem, supplies, and services other than staffing, employee benefits, and office equipment. (Ord. 13370 § 2, 1998).

Chapter 3.10 CIVIL RIGHTS COMMISSION

Sections:

- 3.10.010 Creation.
- 3.10.020 Composition.
- 3.10.030 Purpose and functions.
- 3.10.040 Review process.
- 3.10.050 Rules.
- 3.10.060 Staff.
- 3.10.070 Meetings.
- 3.10.080 Section 504/ADA advisory committee.

3.10.010 Creation. There is hereby created a King County civil rights commission referred to in this chapter as the commission. (Ord. 12058 § 1, 1995: Ord. 2647 § 3, 1976).

3.10.020 Composition. The civil rights commission shall be composed of sixteen individuals, who shall be appointed by the county executive and confirmed by the county council to three-year terms or until their successor is appointed and confirmed. These sixteen members shall be appointed in the following manner:

A. Thirteen members shall be appointed to positions numbered one through thirteen (1-13) to correspond with the council district number from which the commission members is nominated. A candidate for each position must be recommended by the councilmember representing the council district with the corresponding number. If the executive does not appoint the person recommended by the councilmember, the executive shall request the councilmember recommend another person.

B. Three members shall be appointed by the executive and serve at-large. Five members shall serve one year; six members shall serve two years; and five members shall serve three years.

C. Officers shall be elected annually from the voting body of members as follows: chair, vice chair and secretary. Members of the affirmative action committee duly appointed as of October 1, 1995 may continue to serve out their terms on the civil rights commission until a successor is appointed and confirmed. Members of the affirmative action committee may be considered for reappointment as members of the civil rights commission as specified in this section. (Ord. 12058 § 2, 1995: Ord. 6891 § 2, 1984: Ord. 2647 § 5, 1976).

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3.10.030

3.10.030 Purpose and functions. The commission shall serve in an advisory capacity to the county executive and the council on matters concerning affirmative action, disability access, equal employment opportunity, contract compliance, fair housing, minority/woman business and public accommodations to ensure the consistent application of all county ordinances, rules and regulations concerning these programs. The powers of the commission shall be advisory only, and when the commission is granted authority to review, monitor, lead, report, identify, assess, evaluate, adopt, or perform, such

actions shall be consistent with, and strictly limited to, offering advice and recommendations to the county executive and the county council. The functions of the commission shall include, but not be limited to, the following:

A. Review the affirmative action plan and make recommendations concerning its adoption and subsequent amendment to the county executive.

B. Monitor and review the implementation of civil rights ordinances and policies to determine compliance and effectiveness.

C. Propose legislation to the county council.

D. Take a strong leadership role in raising community awareness and involvement on civil rights issues.

E. Review civil rights issues brought to the commission by concerned individuals or groups. Requests for review of civil rights issues shall follow the procedure set out in K.C.C. 3.10.040B through E.

F. Report to the county council committee-of-the-whole semi-annually; provided that the civil rights commission shall, prior to July 1, 1996, carry out the following tasks:

1. Identify the goals, program components and characteristics and anticipated outcomes resulting from the county's civil rights policies, taking into consideration the limitations placed upon such policies by recent court decisions;

2. Assess community needs and issues with respect to civil rights, including unincorporated King County, taking into consideration the fact that King County has consistently met or exceeded affirmative action goals in most categories.

3. Evaluate and make recommendations on the organizational structure, program resources, goals and objectives, and program policies necessary to address needs and issues and achieve an updated civil rights program;

4. The commission shall submit its report to the executive. The executive shall review the report and submit it, with his recommendations and implementation plans to the King County council. (Ord. 12058 § 3, 1995: Ord. 6891 § 2, 1984: Ord. 2647 § 5, 1976).

3.10.040 Review process. A. Any person who has filed a complaint under the minority/women's business ordinance, K.C.C. 4.18; or the contract compliance ordinance, K.C.C. 12.16; and who disagrees with a finding of no reasonable cause issued in the case by the minority and women's business enterprises and contract compliance division or under the Fair Employment Ordinance, K.C.C. 12.18, the Fair Housing Ordinance, K.C.C. 12.20, or the public accommodations ordinance, K.C.C. 12.22, and who disagrees with a finding of no reasonable cause issued in the case by the department of information and administrative services, and who has requested reconsideration of the finding which has been denied, may request that the commission review the procedures and processes utilized by the minority and women's business enterprises and contract compliance division or department of information and administrative services, as appropriate.

B. Requests for review shall be in writing addressed to the King County Civil Rights Commission, in care of the minority and women's business enterprises and contract compliance division or department of information and administrative services, as appropriate.

C. Requests for review shall be granted in accordance with the purposes of the commission and such rules as are adopted by the commission.

D. In conducting its reviews, the commission may hold informal fact finding sessions with respect to processes and procedures.

E. Where appropriate, commission reviews shall result in recommendations to the county executive. (Ord. 12058 § 4, 1995).

3.10.050 Rules. The commission is empowered to adopt such procedures as deemed necessary to ensure its proper functioning and to handle all reviews and other issues consistent with the commission's stated purpose. This includes, but it is not limited to, the formation of standing committees as follows:

A. Executive committee. This committee shall perform administrative oversight activities of the commission, including representing the commission, conducting business outside of regular commission meetings, and performing other relating and necessary activities in the interest of ensuring an effective county human and civil rights program.

B. Public policy committee. This committee shall review and make recommendations on legislation, public rules and/or policies related to any of the county's equal opportunity, affirmative action, disability, access minority and women business utilization programs.

C. Economic development. This committee shall review and make recommendations for enhancing the opportunities for utilization and participation of minority and women businesses on county contracts and other related businesses on county contracts and other related business development activities.

D. Community relations. This committee shall recommend methods for educating concerned communities and the public at large on the work of the commission and King County in advancing

human and civil rights for all in the region and shall establish liaison with other regional and civil rights commissioners. (Ord. 12058 § 5, 1995: Ord. 2647 § 7, 1976).

3.10.060 Staff. Appropriate staff for the commission will be appointed by the county executive. (Ord. 12058 § 6, 1995: Ord. 6891 § 3, 1984: Ord. 2647 § 8, 1976).

3.10.070 Meetings. The civil rights commission shall meet no less often than quarterly and as designated by the chair if deemed necessary. A quorum shall consist of a simple majority of all voting commissioners. (Ord. 12058 § 7, 1995: Ord. 6891 § 4, 1984).

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3.10.080 Section 504/ADA advisory committee. A. Creation. There is hereby created a King County Section 504/Americans with Disabilities Act (hereinafter referred to as the ADA) Advisory Committee, hereinafter referred to as the 504/ADA committee.

B. Composition. The 504/ADA committee shall be composed of not less than three individuals, subject to confirmation by the county council, including the chair. The executive shall appoint the chair who will also serve on the civil rights commission to ensure coordination of efforts.

C. Purpose. The 504/ADA committee shall serve in an advisory capacity to the executive in developing strategies, systems and guidelines in implementing the 504/ADA Compliance Workplan. The functions of the 504/ADA committee shall include but not be limited to the following:

1. Review the 504/ADA compliance workplan and make recommendations towards improving its effectiveness;
2. Review and monitor the progress of the 504/ADA compliance workplan; and
3. Review and monitor the affirmative action progress made in the employment of persons with disabilities in the county's workforce.

D. Staffing. Appropriate staff to the 504/ADA committee shall be provided by the executive, including the Section 504/ADA compliance specialist in such department of information and administrative services.

E. Designation of Americans with Disabilities Act coordinator. The Section 504/ADA compliance specialist in the department of information and administrative services is the designated county employee to coordinate the county's effort to comply with and carry out its responsibilities under the ADA and its implementing regulations. (Ord. 12058 § 9, 1995).

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PERSONNEL SYSTEM

3.12

Chapter 3.12 PERSONNEL SYSTEM

Sections:

- 3.12.005 Statement of intent.
- 3.12.010 Definitions.
- 3.12.020 General provisions - Conflicts of interest.
- 3.12.030 Classes of employees.
- 3.12.040 Benefits.
- 3.12.042 Dependent care assistant benefit.
- 3.12.044 Benefits eligibility for spouse/domestic partner.
- 3.12.050 Career service system.
- 3.12.060 Assumption of functions and personnel of another governmental entity.
- 3.12.070 Classification of positions.
- 3.12.080 Appointing authorities.
- 3.12.090 Selection procedure.
- 3.12.100 Probationary period.
- 3.12.110 Training.
- 3.12.120 Working conditions.
- 3.12.123 Weapons.
- 3.12.125 Change in work week - Adjustment to sick leave and vacation accruals.
- 3.12.130 Salary ordinance.
- 3.12.140 Cost-of-living increase.
- 3.12.150 Compensation other than salary and wages.
- 3.12.160 Unemployment compensation.
- 3.12.170 Equal pay for equal work.
- 3.12.180 Equality of county employment.

- 3.12.185 Civil rights and compliance reports.
- 3.12.187 Apprenticeship training program.
- 3.12.188 Transit bus passes.
- 3.12.190 Vacation leave.
- 3.12.200 Leave - Examinations.
- 3.12.210 Leave - Bereavement.
- 3.12.215 Leave - Organ donors.
- 3.12.220 Sick leave and time off for medical and family reasons.
- 3.12.223 Donation of vacation leave hours and donation of sick leave hours.
- 3.12.224 Leave - donation to Washington state college tuition prepaid program to benefit minor children of deceased employee.
- 3.12.2245 Leave - donation to Washington state college tuition prepaid program to benefit minor children of deceased employee -- agreements by executive.
- 3.12.225 Leave for school volunteer service.
- 3.12.230 Holidays.
- 3.12.240 Leave - Jury duty.
- 3.12.247 Limited duty assignment policy due to pregnancy.
- 3.12.250 Leave of absence - without pay.
- 3.12.260 Leave of absence - Military.
- 3.12.262 Extension of benefits to military personnel.
- 3.12.270 Disciplinary action.
- 3.12.280 Grievance procedures.
- 3.12.290 Personnel board appeals.
- 3.12.300 Reductions in force.
- 3.12.310 Tenure.
- 3.12.320 Retirement.
- 3.12.330 Administration - Responsibility.

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- 3.12.335 Supported employment.
- 3.12.340 Administration - Employer-employee relations.
- 3.12.350 Administration - Personnel guidelines.
- 3.12.360 Effect of collective bargaining.
- 3.12.364 Gainsharing program for water pollution control division.
- 3.12.365 Effect on sheriff's civil service.
- 3.12.370 Severability.

3.12.005 Statement of intent. King County recognizes that, in the past, employment and contracting practices did not afford equal opportunities for women, minorities and persons with disabilities, and that such practices have resulted in the underrepresentation of such persons in county employment, in employment by county contractors, and in the utilization of minority-owned and women-owned businesses in county contracts. King County also recognizes that many of the causes of this underrepresentation are societal in nature, and beyond the scope and power of the county to remedy on its own. Nevertheless, King County is determined to be a leader in the implementation of civil rights and compliance policies and programs which will remedy the effects of past discrimination and set the county on an affirmative action path. (Ord. 9088 § 1, 1989).

3.12.010 Definitions. All words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A. General definitions.

1. "Administrative interns" are employees who are also enrolled full-time during the regular school year in a program of education, internship or apprenticeship. All administrative internships in executive departments shall be approved by the director. Administrative interns are exempt from the career service under Section 550 of the charter.

2. "Appointing authority" means the county council, the executive, chief officers of executive departments and administrative offices, or division managers having authority to appoint or to remove persons from positions in the county service.

3. "Basis of merit" means the value, excellence or superior quality of an individual's work performance, as determined by a structured process comparing the employee's performance against defined standards and, where possible, the performance of other employees of the same or similar class.

4. "Board" means the county personnel board established by Section 540 of the charter.

5. "Career service employee" means a county employee appointed to a career service position as a result of the selection procedure provided for in this chapter, and who has completed the probationary period.

6. "Career service position" means all positions in the county service except for those which are designated by Section 550 of the charter as follows: All elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; administrative assistants for the executive and one administrative assistant each for the county administrative officer, the county auditor, the county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified herein; all employees of those officers who are exempted from the provisions of this chapter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

Divisions in executive departments and administrative offices as determined by the county council shall be considered to be executive departments for the purpose of determining the applicability of Section 550 of the charter.

All part-time employees shall be exempted from career service membership except, all part-time employees employed at least half time or more, as defined by ordinance, shall be members of the career service.

7. "Charter" means the King County Charter, as amended.
8. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing in loco parentis to the child, who is:
 - a. under eighteen years of age; or
 - b. eighteen years of age or older and incapable of self care because of a mental or physical disability.
9. "Class" or "classification" means a position or group of positions, established under authority of this chapter, sufficiently similar in respect to the duties, responsibilities and authority thereof, that the same descriptive title may be used to designate each position allocated to the class.
10. "Classification plan" means the arrangement of positions into classifications together with specifications describing each classification.
11. "Compensatory time" means time off granted with pay in lieu of pay for work performed either on an authorized overtime basis or work performed on a holiday which is normally scheduled as a day off. Such compensatory time shall be granted on the basis of time and one-half.
12. "Competitive employment" means a position established in the county budget and which will require at least twenty-six weeks of service per year as the work schedule established for the position.
13. "Council" means the county council as established by Article 2 of the charter.
14. "County" means the county of King and any other organization that is legally governed by the county with respect to personnel matters.
15. "Developmental disability" means a developmental disability, as defined in RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy, epilepsy, autism or other neurological or other condition of an individual found by the secretary of the Washington state department of social and health services, or designee to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap for the individual.
16. "Direct cost" means the cost aggregate of the actual weighted average cost of insured benefits, less any administrative cost therefor. Any payments to part-time and temporary employees under this chapter shall not include any administrative overhead charges applicable to administrative offices and executive departments.
17. "Director" means the chief officer of the administrative office of human resources management.
18. "Domestic partners" are two people in a domestic partnership, one of whom is a county employee.
19. "Domestic partnership" is a relationship whereby two people:
 - a. have a close personal relationship;
 - b. are each other's sole domestic partner and are responsible for each other's common welfare;
 - c. share the same regular and permanent residence;

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d. are jointly responsible for basic living expenses which means the cost of basic food, shelter and any other expenses of a domestic partner which are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost;

- e. are not married to anyone;
- f. are each eighteen years of age or older;
- g. are not related by blood closer than would bar marriage in the state of Washington;
- h. were mentally competent to consent to contract when the domestic partnership began.

20. "Employed at least half time or more" means employed in a regular position which has an established work schedule of not less than one-half the number of hours of the full-time positions in the work unit in which the employee is assigned, or when viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which a work week of more than thirty-five but less than forty hours is standard or one thousand forty hours or more in a work unit in which a forty hour work week is standard. If the standard work week hours within a work unit varies (for instance, employees working both thirty five and forty hours), the director, in consultation with the department, is responsible for determining what hour threshold will apply.

21. "Employee" means any person who is employed in a career service position or exempt position.

22. "Executive" means the county executive, as established by Article 3 of the charter.

23. "Exempt employee" means an employee employed in a position that is not a career service position under Section 550 of the charter. Exempt employees serve at the pleasure of the appointing authority.

24. "Exempt position" means any position excluded as a career service position by Section 550 of the charter. Exempt positions are positions to which appointment may be made directly without a competitive hiring process.

25. "Full-time regular employee" means an employee employed in a full-time regular position and, for full-time career service positions, is not serving a probationary period.

26. "Full-time regular position" means a regular position which has an established work schedule of not less than thirty-five hours per week in those work units in which a thirty-five hour week is standard, or of not less than forty hours per week in those work units in which a forty-hour week is standard.

27. "Grievance" means an issue raised by an employee relating to the interpretation of rights, benefits, or condition of employment as contained in the administrative rules and/or procedures for the career service.

28. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling, grandparent or grandchild of the spouse or domestic partner.

29. "Incentive increase" means an increase to an employee's base salary within the assigned pay range, based on demonstrated performance.

30. "Integrated work setting" means a work setting with no more than eight persons with developmental disabilities or with the presence of a sensory, mental or physical handicap as specified in K.C.C. 3.12.180, as amended. This definition refers to all county offices, field locations and other work sites at which supported employees work along side employees who are not persons with development disabilities employed in permanent county positions.

31. "Life-giving and life-saving procedures" means a medically-supervised procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues and other human body components for the purposes of donation without compensation to a person for a medically necessary treatment.

32. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

33. "Part-time employee" means an employee employed in a part-time position. Under Section 550 of the charter, part-time employees are not members of the career service.

34. "Part-time position" means an other than a regular position in which the part-time employee is employed less than half time, that is less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty-hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.

35. "Part-time regular employee" means an employee employed in a part-time regular position and, for part-time career service positions, is not serving a probationary period. Under Section 550 of the charter, such part-time regular employees are members of the career service.

36. "Part-time regular position" means a regular position in which the part-time regular employee is employed for at least nine hundred ten hours but less than a full-time basis in a calendar year in a work unit in which a thirty-five hour work week is standard or for at least one thousand forty hours but less than a full-time basis in a calendar year in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply.

37. "Pay plan" means a systematic schedule of numbered pay ranges with a minimum, maximum and intermediate steps for each pay range, a schedule of assignment of each classification to a numbered pay range and rules for administration.

38. "Pay range" means one or more pay rates representing the minimum, maximum and intermediate steps assigned to a classification.

39. "Pay range adjustment" means the adjustment of the numbered pay range of a classification to another numbered pay range in the schedule based on a classification change, competitive pay data or other significant factors.

40. "Personnel guidelines" means only those operational procedures promulgated by the director necessary to implement personnel policies or requirements previously stipulated by ordinance or the charter. Such personnel guidelines shall be applicable only to employees assigned to executive departments and administrative agencies.

41. "Position" means a group of current duties and responsibilities assigned by competent authority requiring the employment of one person.

42. "Probationary employee" means an employee serving a probationary period in a regular career service. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.

43. "Probationary period" means a period of time, as determined by the director, constituting the final step in the competitive screening process for career service or for promotion from one career service position to another. An appointment to the career service, whether following successful completion of an initial probationary period of county employment or a promotional probationary period, shall not be final unless the employee successfully completes this probationary period.

44. "Provisional appointment" means an appointment made in the absence of a list of candidates certified as qualified by the director. Only the director may authorize a provisional appointment. An appointment to this status is limited to six months.

45. "Provisional employee" means an employee serving by provisional appointment in a regular career service. Provisional employees are temporary employees and excluded from career service under Section 550 of the charter.

46. "Recruiting step" means the first step of the salary range allocated to a class unless otherwise authorized by the executive.

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47. "Regular position" means a position established in the county budget and identified within a budgetary unit's authorized full time equivalent (FTE) level as set out in the budget detail report.

48. "Salary or pay rate" means an individual dollar amount which is one of the steps in a pay range paid to an employee based on the classification of the position occupied.

49. "Serious health condition" means an illness or injury, impairment or physical or mental condition that involves one or more of the following:

a. an acute episode that requires more than three consecutive calendar days of incapacity and either multiple treatments by a licensed health care provider or at least one treatment plus follow-up care such as a course of prescription medication; and any subsequent treatment or period of incapacity relating to the same condition;

b. a chronic ailment continuing over an extended period of time that requires periodic visits for treatment by a health care provider and that has the ability to cause either continuous or intermittent episodes of incapacity;

c. in-patient care in a hospital, hospice or residential medical care facility or related out-patient follow-up care;

d. an ailment requiring multiple medical interventions or treatments by a health care provider that, if not provided, would likely result in a period of incapacity for more than three consecutive calendar days;

e. a permanent or long-term ailment for which treatment might not be effective but that requires medical supervision by a health care provider; or

f. any period of incapacity due to pregnancy or prenatal care.

50. "Temporary employee" means an employee employed in a temporary position and in addition, includes an employee serving a probationary period or is under provisional appointment. Under Section 550 of the charter, temporary employees shall not be members of the career service.

51. "Temporary position" means a position which is not a regular position as defined in this chapter and excludes administrative intern. Temporary positions include both term-limited temporary positions as defined in this chapter and short-term (normally less than six months) temporary positions in which a temporary employee works less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply.

52. "Term-limited temporary employee" means a temporary employee who is employed in a term-limited temporary position. Term-limited temporary employees are not members of the career service.

Term-limited temporary employees may not be employed in term-limited temporary positions longer than three years beyond the date of hire, except that for grant-funded projects capital improvement projects, and information systems technology projects the maximum period may be extended up to five years upon approval of the director. The director shall maintain a current list of all term-limited temporary employees by department.

53. "Term-limited temporary position" means a temporary position with work related to a specific grant, capital improvement project, information systems technology project or other nonroutine, substantial body of work, for a period greater than six months. In determining whether a body of work is appropriate for a term-limited temporary position, the appointing authority will consider the following:

a. grant-funded projects: These positions will involve projects or activities that are funded by special grants for a specific time or activity. These grants are not regularly available to or their receipt predictable by the county;

b. information systems technology projects: These positions will be needed to plan and implement new information systems projects for the county. Term-limited temporary positions may not be used for on-going maintenance of systems that have been implemented;

c. capital improvement projects: These positions will involve the management of major capital improvement projects. Term-limited temporary positions may not be used for on-going management of buildings or facilities once they have been built;

d. miscellaneous projects: Other significant and substantial bodies of work may be appropriate for term-limited temporary positions. These bodies of work must be either nonroutine projects for the department or related to the initiation or cessation of a county function, project or department;

e. seasonal positions: These are positions with work for more than six consecutive months, half-time or more, with total hours of at least nine hundred ten in a calendar year in a work unit in which a thirty-five hour work week is standard or at least one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, that due to the nature of the work have predictable periods of inactivity exceeding one month. Where the standard work week falls between thirty-five and forty hours, the director, in consultation with the department, is responsible for determining what hour threshold will apply' and

f. temporary placement in regular positions: These are positions used to back fill regular positions for six months or more due to a career service employee's absence such as extended leave or assignment on any of the foregoing time-limited projects.

All appointments to term-limited temporary positions will be made by the appointing authority in consultation with the director prior to the appointment of term-limited temporary employees. (Ord. 13377 § 2, 1998; Ord. 12943 § 1, 1997; Ord. 12498 § 3, 1996; Ord. 12014 § 5, 1995).

3.12.020 General provisions - Conflicts of interest. A. All employees shall hold their positions subject to the conditions stated in the charter, this chapter, other applicable ordinances, and the personnel guidelines.

B. No employee may engage in any occupation or outside activity which is incompatible with the proper discharge of official county duties or which would impair independence of judgment or action in the performance of such official duties. All employees are specifically referred to the conflict of interest provisions contained in K.C.C. 3.04.

C. The employment of members of the same family or other close relatives of employees shall not be limited except where required by business or job-related necessity. For purposes of this section, "business or job-related necessity" includes those circumstances where the county's actions are based upon a compelling and essential need to avoid business or job-related conflicts of interest, or to avoid the reality or appearance of improper influence or favor. For purposes of this section, "same family or other close relatives" means the mother, father, child, sister, brother, wife, husband, aunt, uncle, niece, nephew, grandparent, grandchild, in-laws, domestic partner, children of a domestic partner and relatives of a domestic partner to the same extent such relatives would be included in this paragraph if the employee and the domestic partner were married. Nothing in this subsection shall be construed to prevent or impede the advancement or promotion of any person employed by the county prior to the effective date of this ordinance. (Ord. 12014 § 6, 1995).

3.12.030 Classes of employees. County employees shall either be members of the career service or be exempt from the career service. (Ord. 9498 § 3, 1990; Ord. 4324 § 7, 1979).

3.12.040 Benefits. A. Full-time regular, part-time regular, provisional, probationary and term-limited temporary employees shall receive the leave benefits provided in this chapter.

B. Full-time regular, part-time regular, provisional, probationary and term-limited temporary employees and their spouse or domestic partner, each of their dependent children, and each of the dependent children of their spouse or domestic partner shall be eligible for medical, dental, life, disability, and vision benefits, except in those instances where contrary provisions have been agreed to in the collective bargaining process and to the extent such benefits are available through insurers selected by the county. The director shall establish specific provisions governing eligibility for these benefits as part of the personnel guidelines and consistent with budget requirements. Such provisions may include waiting periods for employees newly-hired to the county.

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C. Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the calendar year working hours threshold defined in this chapter shall receive compensation in lieu of leave benefits at the rate of 15% of gross pay for all hours worked, paid retroactive to the first hour of employment and for each hour worked thereafter. The employee will also receive a one-time only payment in an amount equal to the direct cost of three months of insured benefits, as determined by the director, and, in lieu of insured benefits, an amount equal to the direct cost to the county for each employee for whom insured benefits are provided, prorated to reflect the affected employee's normal work week, for each hour worked thereafter. Such additional compensation shall continue until termination of employment or hire into a full-time regular, part-time regular or term-limited position. Further, employees receiving pay in lieu of insured benefits may elect to receive the medical component of the insured benefit plan, with the cost to be deducted from their gross pay; provided, that an employee who so elects shall remain in the selected plan until termination of employment, hire into a full-time regular, part-time regular, or term-limited position, or service of an appropriate notice of change or cancellation during the employee benefits annual open-enrollment.

Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the applicable threshold will also be eligible for cash in lieu of the bus pass benefit provided to regular employees. The value will be determined based on the average annual cost per employee as determined in the adopted budget, prorated to an hourly equivalent based on the employee's normal work week, and will be paid retroactive to the first hour worked and for each hour worked thereafter until termination of employment or hire into a full-time regular, part-time regular, or term limited position. (Ord. 12943 § 2, 1997: Ord. 12014 § 7, 1995).

3.12.042 Dependent care assistance benefit. A. The county shall offer to those employees who are qualified to receive medical benefits the opportunity to participate in a qualifying Internal Revenue Code Sections 125 and 129 dependent care assistance program. The office of human resources management shall incorporate the dependent care assistance program in its employee flexible benefit program.

B. The costs of administering the dependent care assistance program shall be fully borne by the county and existing and future employee benefits shall not be reduced as a result of the cost of administering the program. Savings in county paid payroll taxes, if any, resulting from this program shall accrue to the county.

C. Non-represented employees who are qualified to receive medical benefits shall be offered the dependent care assistance program whether or not represented employee groups choose to participate in the program. (Ord. 12014 § 8, 1995).

3.12.044 Benefits eligibility for spouse/domestic partner. A. Affidavit of Marriage/Domestic Partnership. Employees who receive medical, dental, life and disability insurance, and vision benefits shall designate their spouse, their domestic partner, their dependent children and the dependent children of their spouse or domestic partner in an Affidavit of Marriage/Domestic Partnership in order for such spouse, domestic partner and/or children to receive such benefits, to the extent such benefits are available to them. The director shall prescribe the form of the affidavit. In the affidavit, the employee shall:

1. Attest to the following:
 - a. If married, that he or she is currently married to the individual identified by name on the affidavit, or
 - b. If participating in a domestic partnership, that:
 - (1) He or she is currently in a domestic partnership with the individual identified by name on the affidavit, and
 - (2) He or she meets all the qualifications of a domestic partnership, as defined by this chapter, and

(3) Any prior domestic partnership in which he or she or his or her domestic partner participated with a third party was terminated at least ninety days prior to the date of said affidavit or by the death of that third party, and if such prior domestic partnership had been acknowledged pursuant to this chapter, that notice of the termination of the prior domestic partnership, whether by death of the domestic partner or otherwise, was provided to the county at least ninety days prior to the date of said affidavit;

2. Agree to notify the county if there is a change of the circumstances attested to in the affidavit; and

3. Affirm, under penalty of law, that the assertions in the affidavit are true.

B. Termination of Marriage/Domestic Partnership. Such employee shall provide the county with a notice of termination of marriage/domestic partnership, on a form prescribed by the director, upon dissolution of a marriage or termination of a domestic partnership, within thirty days of termination of the marriage or domestic partnership. A marriage shall be deemed terminated as provided under state law. A domestic partnership shall be deemed terminated:

1. When the domestic partners no longer meet one or more of the qualifications of a domestic partnership, as defined by this chapter; or

2. Upon the death of a domestic partner.

C. Confidentiality. All affidavits of marriage/domestic partnership, notices of termination of marriage/domestic partnership, and any information contained in said affidavits submitted to the county shall be confidential and subject to disclosure only upon express written authorization by the persons identified in the forms or if otherwise required by law. (Ord. 12014 § 9, 1995).

3.12.050 Career service system. All career service employees shall be members of the county career service mandated by Section 510 of the charter. The recruitment, selection and promotion of such employees shall be competitive and shall be based on merit. Career service employees shall have such rights, working conditions and benefits as are specified by this chapter. (Ord. 12014 § 10, 1995).

3.12.060 Assumption of functions and personnel of another governmental entity. If the functions of another governmental entity are assumed by the county, and if former employees of that entity become county employees, then the director shall determine whether such employees will be members of or exempt from the career service. In making this determination, the director shall apply the standards contained in Section 550 of the charter. The status of each employee shall be equivalent to that which the employee would have had, had he or she been a county employee during the term of the former employment. Nothing in this section shall derogate from the county's power to eliminate positions and lay off employees because of lack of work, lack of funds or considerations of operational efficiency. (Ord. 12014 § 11, 1995).

3.12.070 Classification of positions. A. The director shall develop and maintain a classification plan for all positions within the career service which shall provide that:

1. All positions which are substantially similar and comparable as to kind, difficulty, and responsibility of work are included in the same class;
2. Similar means of recruitment and appropriate examination methods are used in filling positions within a class; and
3. Similar schedules of pay are applied with equity to all positions within a class.

B. The classification plan shall set forth for each career service class a title, definition, distinguishing characteristics, representative examples of work, knowledge, abilities, qualifications, and special requirements that are necessary for satisfactory performance in the class.

C. The director shall periodically review the classification plan, and may add, combine, abolish, or revise the specifications or establish new classes.

D. Whenever reorganization, change in job content or council action causes the duties of a position to change, or such position appears to have been incorrectly classified, the director shall, at the request of the appointing authority or a full-time regular employee or part-time regular employee, investigate the duties of the position in question. After conferring with the appointing authority and employee involved and reviewing recommendations and suggestions, the director may reclassify the position to a class deemed more appropriate by the director. (Ord. 12077 § 2, 1995).

3.12.080 Appointing authorities. Appointment of county employees within the executive branch shall be accomplished by the executive, department directors and division managers. In all cases, the appointing authority shall have the power to remove. The appointing authority shall be responsible for the merit evaluation of all employees under that authority. (Ord. 4324 § 14, 1979).

3.12.090 Selection procedure. A. The director shall establish examination selection procedures for filling existing and anticipated vacant positions in the career service. Examinations may be open or promotional, depending upon which will best serve the interests of the county.

B. All examinations for career service positions shall be competitive. (Ord. 12014 § 12, 1995).

3.12.100 Probationary period. A. There shall be a probationary period during which time a probationary employee shall be evaluated by the appointing authority to determine qualification for entry into the career service. The probationary period shall be determined by the director, but shall be not less than six months or more than one year of actual service, and shall be served by those employees who have been newly-hired, re-employed, transferred to a different position, or promoted or demoted.

B. A probationary employee may be separated from county service at any time during the probationary period without right of appeal to the personnel board. Notwithstanding any other provisions of this section, an employee who does not successfully complete the probationary period in a position to which he or she had been promoted or transferred may be restored to his or her former position. Such restoration is not mandatory, but is optional at the discretion of the former appointing authority within the limits of available authorized positions. Such restoration shall include restoration of the employee's former salary and all other benefits to which he or she would have been entitled if the promotion or transfer had not occurred. (Ord. 12014 § 13, 1995).

3.12.110 Training. A. It shall be the policy of the county to provide, within budgeted appropriations, training opportunities for employees. The objective of the training policy shall be guided by, but not limited to, the overall objectives of encouraging and motivating employees to improve their personal capabilities in performance of their assigned job duties.

B. The director shall be responsible for planning and executing an adequate training program for employees.

C. The county shall not reimburse employees for unauthorized training.

D. Employees wishing to complete educational programs may request a leave of absence without pay for this purpose. (Ord. 12014 § 14, 1995).

3.12.120 Working conditions. A. General. Nothing contained in this chapter shall prevent, relieve, or otherwise excuse any county officer or employee from the performance of any duty imposed upon him or her by any other law of this county, or from the rendering of service at such times and places as are necessary in order to properly perform the functions of his or her office or employment.

B. Workday. Except as otherwise provided by ordinance, the official workday shall consist of eight hours of work for all full-time regular and full-time probationary employees. The lunch hour shall not be considered as part of the workday. The official workday for other employees shall be determined by the director.

C. Workweek. Except as otherwise provided by ordinance, the official workweek shall consist of five working days for all full-time regular and full-time probationary employees. The official workweek for other employees shall be determined by the director.

D. Call Duty. The county recognizes that there is an occasional need for an employee to return to work outside his or her normal workday. The personnel guidelines shall contain procedures relating to call duty.

E. On-the-Job Injury. The county recognizes a responsibility for action regarding on-the-job injuries. The personnel guidelines shall contain procedures relating to on-the-job injury.

F. Continuation of Career Service. A career service employee who accepts an appointment to an exempt position effective on or after January 1, 1996 and which position and appointment resulted from the reorganization of the executive branch as reflected in the creation of certain new positions contained in Attachment A to Ordinance 12013 shall retain his/her career service status and rights while holding such exempt position and have the restoration rights set forth in this section. This provision is not intended to provide the career service employee with a right to the exempt position. But, such employee, if selected for the exempt position, could be terminated from the position only for just cause.

G. Restoration to Career Service. A career service employee who accepts a transfer or promotion to an exempt position prior to December 1, 1979 shall, upon separation from the exempt position, be allowed to re-enter career service at a position comparable in terms of responsibilities and salary or wage (including normal cost-of-living increases) to the career service position formerly held by the employee. A career service employee accepting such a transfer or promotion on or after December 1, 1979 shall have such a right to restoration; provided, that:

1. The right to restoration is exercised within four calendar years from the effective date of the transfer or promotion to an exempt position; and

2. The former appointing authority, at his or her discretion, approves such restoration within the limits of available authorized positions; or

3. A different appointing authority, having jurisdiction over comparable authorized positions, at his or her discretion approves such restoration within the limits of available authorized positions.

H. **Wages and Hours.** Matters involving wages and hours, including but not limited to minimum wage and overtime compensation, shall be determined in accordance with applicable state and federal laws and regulations.

I. **Overtime.** Overtime work may be authorized by the department director where necessary to maintain or perform vital county services and shall be paid in accordance with appropriate state and federal law. (Ord. 12014 § 15, 1995).

3.12.123 Weapons. The council desires to continue the weapons policy established by the Municipality of Metropolitan Seattle prior to assumption of metropolitan functions on January 1, 1994 by the county and continued by the council during the 1994 - 1995 transition period. The council recognizes that employees in the transit division of the department of transportation interact daily with the public in providing public transportation services, are expected to avoid any potentially volatile situation or confrontation, and are required to contact the appropriate authority for assistance when necessary. In conjunction with the behavior expected of such employees, it is also the policy that the use, threatened use, or possession of a weapon concealed, licensed or otherwise, by such an employee while in the performance of his/her official duties or while on county property is strictly prohibited and will result in termination. This policy does not apply to commissioned police officers under contract with or employed by the county for investigatory, undercover or enforcement reasons. (Ord. 12014 § 34, 1995).

3.12.125 Change in work week -- Adjustment to sick leave and vacation accruals. A. Notwithstanding any other provision of this chapter, in the event the number of hours in the standard work week of a position occupied by a full-time regular employee, part-time regular employee or, term-limited temporary employee is increased, the sick leave and vacation leave accruals of such employee at the time of the increase shall be adjusted upward so as to insure that the equivalent number of sick leave and vacation leave days accrued does not change. (For example, if the standard work week of such a position is increased from 35 to 40 hours, and if at the time of such change the employee occupying the position had accrued seven hours of sick leave, the sick leave accrual of that employee would be adjusted upward to eight hours.) This section shall apply to all employees eligible for leave benefits occupying positions where the standard work week of the position was increased on or after July 1, 1991. After such increase, such employees shall accrue vacation and sick leave in accordance with the otherwise applicable provisions of K.C.C. 3.12.

B. Separate accounts shall be maintained for any vacation or sick leave accrued prior to an increase in the number of work-week hours. The "adjusted leave account" shall be used for leave accrued prior to an increase in the number of work-week hours. The "unadjusted leave account" shall be used for leave accrued subsequent to an increase in the number of work-week hours. Leave in the adjusted leave account shall be used first.

C. In the event the number of work-week hours is reduced for any employee whose vacation and sick leave accruals have been adjusted upward under the terms of this section, the remaining hours in the adjusted leave account shall be reduced in the same proportion as the work-week hours are reduced.

Under no circumstances shall the adjusted leave account be reduced by a greater proportion than the proportion of the previous upward adjustment. Any leave accrued in the unadjusted leave account shall not be affected by this reduction. (Ord. 12943 § 3, 1997: Ord. 12077 § 3, 1995).

3.12.130 Salary ordinance. The executive shall prepare and submit a recommended salary ordinance to the council, which shall adopt a salary ordinance. The salary ordinance shall establish a standardized salary schedule for all classifications, excluding classifications for temporary employees other than provisional employees and probationary employees, part-time employees, administrative interns, elected officials and employees of the council. (Ord. 12014 § 16, 1995).

3.12.140 Cost-of-living increase. Cost-of-living increases as passed by the council annually for county employees shall include elected officials whose salaries are not set by the state. (Ord. 4324 § 38, 1979).

3.12.150 Compensation other than salary and wages. Compensation may include items other than salary and wages, including but not limited to rent subsidized housing, utility costs, meals at reduced rates. (Ord. 4324 § 37, 1979).

3.12.160 Unemployment compensation. All services performed for the county by county employees subsequent to December 31, 1977, shall be deemed to be services in employment subject to the provisions of the State Unemployment Compensation Law, RCW Title 50, as amended. The unemployment compensation program of the county shall be administered, with respect to such services in employment, in accordance with the mandatory provisions of RCW Title 50, as amended. In the event that the mandatory coverage feature of state law ceases, through judicial decision or otherwise, to be in compliance with valid and constitutional federal law, the county may legislate a self-insured form of unemployment compensation. (Ord. 4324 § 34, 1979).

3.12.170 Equal pay for equal work. It is the policy of the county that compensation for all county employees shall be equitably provided on the basis of equal pay for equal work.

A. Findings of fact.

1. The council finds that federal, state and local laws against discrimination provide adequate and appropriate remedies for any pay which is unequal on the basis of unlawful discrimination.

The equal pay policy set forth in this section is intended to set forth general county policy for equitable pay in county government for all equal jobs, even as to jobs between which no disparate impact exists upon protected classes. Pay for represented employees is determined pursuant to the collective bargaining procedures established by law. This section shall not affect the collective bargaining position of the exclusive bargaining representatives of any employee or of the county.

2. The assumption by the county of the rights, powers, functions and obligations of the Municipality of Metropolitan Seattle (METRO) pursuant to Proposition One, effective January 1, 1994, caused thousands of employees of METRO to become county employees in the department of metropolitan services. The county and METRO historically used different methods of determining compensation, and a thorough study of classifications of positions and pay for them is necessary before the effects of equalizing pay can be evaluated.

3. As a result, the council finds that pending the completion of such study, it is appropriate to not compare pay between classifications of the former department of metropolitan services and those of other county employees or to declare that such pay shall be equal for equal jobs unless a disparate impact on a protected class is shown, requiring remedial action.

B. Until compensation and classification schedules are adopted to apply to all county employees, this section shall not apply to compensation differences between the classifications listed in Attachment B of Proposed Ordinance 12013 and other county classifications. (Ord. 12014 § 17, 1995).

3.12.180 Equality of county employment. A. The county is an equal opportunity employer and shall carry out federal, state and local laws and regulations prohibiting discrimination in employment on the basis of race, color, creed, religion, national origin, sex, sexual orientation, marital status or the presence of a sensory, mental, or physical disability. Further, it is the intent of the county to insure that employment is based on the principle of equal opportunity and that such principle shall be implemented in all county personnel-related actions including, but not limited to, recruitment, hiring, testing, training, promotion, compensation, transfer and all other terms and conditions of employment in all job classifications.

B. It is the policy of the county that, until the effects of inequality in employment opportunity within the county are eliminated, all county departments shall establish and maintain an effective affirmative action plan of employment, as adopted by the council by ordinance. Such affirmative action plan shall promote the objectives of public policy set forth in applicable federal and state law, including constitutions, statutes, regulations, and executive orders, relating to nondiscrimination, equal employment opportunity, affirmative action, and civil rights. Specifically, the plan shall promote the objectives of the State Law Against Discrimination, RCW Title 49 (applicable parts), and provisions of the Washington Administrative Code adopted thereunder. As part of the county's affirmative action plan,

the executive shall submit by November 30th of every other year, commencing with 1990, a biennial affirmative action master plan pertaining to the appropriate county departments and agencies to be approved by the council by ordinance. Such plan shall include policies and procedures for the implementation of county affirmative action programs and shall set forth proposed availability rates for protected groups designated by the county in employment, and utilization goals in contract compliance and minority and women business enterprise contracting. (Ord. 12014 § 18, 1995).

3.12.185 Civil rights and compliance reports. The executive shall also submit for review by the council, by November 30 of every other year, commencing with 1990, a biennial combined unit report providing statistics and analysis of county activities in affirmative action, contract compliance, minority and women's business enterprise contracting, and enforcement pertaining to appropriate county departments and agencies, contractors and subcontractors, and to all civil rights and compliance activities and areas for which the county has jurisdiction. The county's combined unit report shall include performance results of the prior biennium's civil rights and compliance programs. The county's combined unit report shall also include a listing of all positions currently subsidized directly or indirectly through special programs which aid persons with disabilities and shall make provision for retaining persons occupying those positions either in their existing positions or comparable positions once the subsidy is withdrawn. (Ord. 9088 § 3, 1989).

3.12.187 Apprenticeship training program. A. Findings. The King County council finds as a fact that minorities, women and disabled persons are underrepresented in the construction trades. The council also finds as a fact that a major reason for the underrepresentation of minorities, women and disabled persons in the construction trades is the lack of opportunity for those persons to serve apprenticeships in state-approved apprenticeship programs designed to have them earn the hours necessary to reach journey-level status. Further, the council finds that the traditional methods for persons to find opportunities as apprentices in the construction trades serve as a barrier to minorities, women and disabled persons. Therefore, the council finds that the temporary employment of these individuals as construction trade apprentices enrolled in state-approved apprenticeship programs will serve to benefit the public by assisting minority, women and disabled persons gain entry to the construction trades by their earning a portion of the hours needed to reach the journey level while placed with King County.

B. Employment status of apprentices. Notwithstanding any King County ordinance to the contrary, persons who are enrolled in state approved apprenticeship programs and are employed by King County to earn hours to complete such apprenticeship programs, shall be classified as temporary employees. Such person shall be entitled to only such rights, working conditions and benefits as are granted by ordinance to other temporary employees of King County.

C. Agreement as to status - apprentices. All persons who are enrolled in state approved apprenticeship programs and who are employed by King County to earn hours towards completing such programs shall, prior to becoming a temporary employee of King County, sign a sworn statement, in substantially the same form contained in Attachment A to Ordinance 11149* and indicating an understanding as to the temporary nature of the employment, the absence of career service rights and entitlements, the right of the county to terminate employment at any time without just cause, the absence of appeal rights for any action pertaining to appointment, promotion, suspension, discipline, reduction in pay or rank, removal and the absence of the right to grieve under any collective bargaining agreement, and recognition and understanding that upon termination of temporary employment no right exists to any career service or other position with King County.

It shall be the responsibility of the office of human resource management to retain the originals of such sworn statements.

D. Severability. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provision to other persons or circumstances is not affected. (Ord. 11149 § 1-4, 1993).

3.12.188 Transit bus passes. A. Employees eligible for leave and insured benefits under this chapter and eligible retirees as defined in this section shall be issued a transit bus pass entitling the holder to ride without payment of fare on public transportation services operated by or under the authority of the county. In addition, such employees shall be entitled to use the transit bus pass to ride without payment of fare on public transportation services operated by or under the authority of Pierce Transit, Kitsap Transit and Community Transit, subject to agreements with such agencies as may be entered into by the executive. Use of transit bus passes shall be restricted to such employees and retirees, and any unauthorized use shall, at a minimum, result in forfeiture of the passes. Employees not eligible for leave and insured benefits under this chapter shall not receive transit bus passes or any transit bus pass subsidy.

B. The executive shall cause an appropriate survey of the use of public transportation services by county employees to be conducted biennially. Based on the results of the survey, projected usage of public transportation services by county employees, the county's Commute Trip Reduction objectives, and other factors determined appropriate by the executive, the executive shall recommend in the annual budget an amount to be paid to the Public Transportation Operating Account for transit bus passes. The amount recommended by the executive shall not include any payment for transit bus passes for commissioned police officers, eligible retirees, and employees whose positions are determined by the director of the department of transportation to be dedicated exclusively to the public transportation function. The final amount to be transferred to the Public Transportation Operating Account for transit bus passes shall be determined by the council as part of the annual budget and appropriation process consistent with the requirements of the King County Charter and applicable state law.

C. For purposes of this section, "eligible retiree" means an employee eligible for leave and insured benefits under this chapter who (i) separates from employment with the county while holding a position determined by the director of the department of transportation to be dedicated exclusively to the public transportation function, and (ii) on the date of said separation is eligible to receive benefits from a retirement system established pursuant to state law. (Ord. 12933 § 2, 1997: Ord. 12077 § 6, 1995: Ord. 12014 § 36, 1995).

¹ Available at the office of the clerk of the council.

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3.12.190 Vacation leave. A. Beginning January 1, 1996, employees eligible for leave benefits shall accrue vacation leave benefits as described in and further qualified by this section.

Full Years of Service	Annual Leave in Days
Upon hire through end of Year 5	12
Upon beginning of Year 6	15
Upon beginning of Year 9	16
Upon beginning of Year 11	20
Upon beginning of Year 17	21
Upon beginning of Year 18	22
Upon beginning of Year 19	23
Upon beginning of Year 20	24
Upon beginning of Year 21	25
Upon beginning of Year 22	26
Upon beginning of Year 23	27
Upon beginning of Year 24	28
Upon beginning of Year 25	29
Upon beginning of Year 26 and beyond	30

B. Notwithstanding the vacation leave schedule set forth in paragraph A of this section, employees eligible for leave benefits, excluding employees in the former department of metropolitan services, shall accrue vacation leave as follows:

1. Said employees who were employed on or before December 31, 1995 and by that date had completed at least three but less than five full years of service shall begin to accrue fifteen days of vacation leave per year effective January 1, 1996;

2. Said employees who were employed on or before December 31, 1995 and subsequent to that date complete three full years of service shall begin to accrue fifteen days of vacation leave per year effective on the first day of their fourth full year of service.

Beginning on the first day of their sixth full year of service, all such employees shall accrue vacation leave as set forth in paragraph A of this section.

C. Vacation accrual rates for an employee who works other than the full time schedule standard to his or her work unit shall be prorated to reflect his or her normally scheduled work week.

D. Employees eligible for vacation leave shall accrue vacation leave from their date of hire into a benefit eligible position.

E. Employees eligible for vacation leave may accrue up to sixty days vacation leave, prorated to reflect their normally scheduled work day. Such employees shall use vacation leave beyond the maximum accrual amount prior to December 31 of each year. Failure to use vacation leave beyond the maximum accrual amount will result in forfeiture of the vacation leave beyond the maximum amount unless the appointing authority has approved a carryover of such vacation leave because of cyclical workloads, work assignments or other reasons as may be in the best interests of the county.

F. Exempt employees in regular positions, other than provisional or probationary employees, may take and upon leaving county employment be paid for accrued vacation leave as approved by their appointing authorities.

G. Career service employees, provisional, probationary and term-limited temporary employees, shall not be eligible to take or be paid for vacation leave until they have successfully completed their first six months of county service, and if they leave county employment prior to successfully completing their first six months of county service, shall forfeit and not be paid for accrued vacation leave.

H. Employees eligible for leave benefits shall be paid for accrued vacation leave to their date of separation up to the maximum accrual amount if they have successfully completed their first six months of county service and are in good standing; provided that, except with the written approval of the executive, the position, if vacated by a non-represented employee, shall not be filled until salary savings for such position are accumulated in an amount sufficient to pay the cost of the cashout. Payment shall be the accrued vacation leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings.

I. Employees shall not use or be paid for vacation leave until it has accrued and such use or payment is consistent with the provisions of this section.

J. No employee shall work for compensation for the county in any capacity during the time that the employee is on vacation leave.

K. For employees covered by the overtime requirements of the Fair Labor Standards Act, vacation leave may be used in one-half hour increments, at the discretion of the appointing authority.

L. In cases of separation from county employment by death of an employee with accrued vacation leave and who has successfully completed his or her first six months of county service, payment of unused vacation leave up to the maximum accrual amount shall be made to the employee's estate, or, in applicable cases, as provided for by state law, RCW Title 11; provided that, except with the written approval of the executive, the position, if vacated by a non-represented employee, shall not be filled until salary savings for such position are accumulated in an amount sufficient to pay the cost of the cashout.

M. If an employee resigns from a full-time regular or part-time regular position with the county in good standing or is laid off and subsequently returns to county employment within two years from such resignation or layoff, as applicable, the employee's prior county service shall be counted in determining the vacation leave accrual rate under paragraph A of this section. (Ord. 12943 § 4, 1997: Ord. 12422 § 1, 1996: Ord. 12014 § 19, 1995).

3.12.200 Leave - Examinations. Employees eligible for leave benefits shall be entitled to necessary time off with pay for the purpose of taking county qualifying or promotional examinations. This shall include time required to complete any required interviews. (Ord. 12943 § 5, 1997: Ord. 12077 § 4, 1995).

3.12.210 Leave - Bereavement. A. Employees eligible for leave benefits shall be entitled to three working days of bereavement leave a year due to death of members of their immediate family.

B. Employees who have exhausted their bereavement leave shall be entitled to use sick leave in the amount of three days for each instance of death when death occurs to a member of the employee's immediate family.

C. In cases of family death where no sick leave benefit is authorized or exists, an employee may be granted leave without pay.

D. In the application of any of the foregoing provisions, holidays or regular days off falling within the prescribed period of absence shall not be charged. (Ord. 12943 § 6, 1997: Ord. 12052, 1995).

3.12.215 Leave - Organ donors. A. The appointing authority shall allow employees eligible for family leave, sick leave, vacation leave or leave of absence without pay who are voluntarily participating as donors in life-giving or life-saving procedures such as, but not limited to, bone marrow transplants, kidney transplants, or blood transfusions to take five days paid leave without having such leave charged to family leave, sick leave, vacation leave or leave of absence without pay; provided that the employee shall:

1. Give the appointing authority reasonable advance notice of the need to take time off from work for the donation of bone marrow, a kidney, or other organs or tissue where there is a reasonable expectation that the employee's failure to donate may result in serious illness, injury, pain or the eventual death of the identified recipient.

2. Provide written proof from an accredited medical institution, organization or individual as to the need for the employee to donate bone marrow, a kidney, or other organs or tissue or to participate in any other medical procedure where the participation of the donor is unique or critical to a successful outcome.

B. Time off from work for the purposes set out above in excess of five working days shall be subject to existing leave policies contained in K.C.C. 3.12 or in any applicable collective bargaining agreement. (Ord. 12014 § 20, 1995).

3.12.220 Sick leave and time off for medical and family reasons: A. Except for employees covered by K.C.C. 3.12.220G, employees eligible for leave benefits shall accrue sick leave benefits at the rate of 0.04616 hours for each hour in pay status exclusive of overtime up to a maximum of eight hours per month; except that sick leave shall not begin to accrue until the first of the month following the month in which the employee commenced employment. The employee is not entitled to sick leave if not previously earned.

B. During the first six months of service, employees eligible to accrue vacation leave may, at the appointing authority's discretion, use any accrued days of vacation leave as an extension of sick leave. If an employee does not work a full six months, any vacation leave used for sick leave must be reimbursed to the county upon termination.

C. For employees covered by the overtime requirements of the Fair Labor Standards Act, sick leave may be used in one-half hour increments, at the discretion of the appointing authority.

D. There shall be no limit to the hours of sick leave benefits accrued by an eligible employee.

E. Separation from or termination of county employment except by reason of retirement or layoff due to lack of work, funds, efficiency reasons or separation for nondisciplinary medical reasons, shall cancel all sick leave accrued to the employee as of the date of separation or termination. Should the employee resign in good standing, be separated for nondisciplinary medical reason or be laid off, and return to county employment within two years, accrued sick leave shall be restored, but the restoration shall not apply where the former employment was in term-limited temporary position.

F. Except employees covered by K.C.C. 3.12.220G, employees eligible to accrue sick leave and who have successfully completed at least five years of county service and who retire as a result of length of service or who terminate by reason of death shall be paid, or their estates paid or as provided for by Title 11 RCW, as applicable, an amount equal to thirty-five percent of their unused, accumulated sick leave multiplied by the employee's rate of pay in effect upon the date of leaving county employment less mandatory withholdings. This provision is predicated on the requirement that, except with the written approval of the executive, the position, if vacated by a non-represented employee, shall not be filled until salary savings for such position are accumulated in an amount sufficient to pay the cost of the cashout.

G. Uniformed employees covered under the LEOFF Retirement System-Plan I shall apply for disability retirement under RCW 41.26.120.

H. An employee must use all of his or her accrued sick leave and any donated sick leave before taking unpaid leave for his or her own health reasons. If the injury or illness is compensable under the county's workers compensation program, then the employee has the option to augment or not augment time loss payments with the use of accrued sick leave. For a leave for family reasons, the employee shall choose at the start of the leave whether the particular leave would be paid or unpaid; but when an employee chooses to take paid leave for family reasons he or she may set aside a reserve of up to eighty hours of accrued sick leave. An employee who has exhausted all of his or her sick leave may use accrued vacation leave before going on leave of absence without pay, if approved by his or her appointing authority. Sick leave shall be used for the following reasons:

1. The employee's bona fide illness, but an employee who suffers an occupational illness may not simultaneously collect sick leave and worker's compensation payments in a total amount greater than the net regular pay of the employee;

2. The employee's incapacitating injury, but:

- a. an employee injured on the job may not simultaneously collect sick leave and worker's compensation payments in a total amount greater than the net regular pay of the employee; though an employee who chooses not to augment his or her worker's compensation time loss pay through the use of sick leave shall be deemed on unpaid leave status;

- b. an employee who chooses to augment workers' compensation payments with the use of accrued sick leave shall notify the safety and workers' compensation program office in writing at the beginning of the leave;

- c. an employee may not collect sick leave and workers' compensation time loss payments for physical incapacity due to any injury or occupational illness which is directly traceable to employment other than with the county;

3. The employee's exposure to contagious diseases and resulting quarantine;
4. A female employee's temporary disability caused by or contributed to by pregnancy and childbirth;
5. The employee's medical or dental appointments, provided that the employee's appointing authority has approved the use of sick leave for such appointments;
6. To care for the employee's child as defined in this chapter if the child has an illness or health condition which requires treatment or supervision from the employee; or
7. To care for other family members, if:
 - a. the employee has been employed by the county for twelve months or more and has worked a minimum of nine hundred ten hours (thirty-five-hour employee) or one thousand forty hours (forty-hour employee) in the preceding twelve months;
 - b. the family member is the employee's spouse or domestic partner, the employee's child, a child of the employee's spouse or domestic partner, the parent of the employee, employee's spouse or domestic partner or an individual who stands or stood in loco parentis to the employee, the employee's spouse or domestic partner; and
 - c. the reason for the leave is one of the following:
 - (1) the birth of a son or daughter and care of the newborn child, or placement with the employee of a son or daughter for adoption or foster care, if the leave is taken within twelve months of the birth, adoption or placement;
 - (2) the care of the employee's child or child of the employee's spouse or domestic partner whose illness or health condition requires treatment or supervision by the employee; or
 - (3) care of a family member who suffers from a serious health condition.
- I. An employee may take a total of up to eighteen work weeks unpaid leave for his or her own serious health condition, and for family reasons as provided in K.C.C. 3.12.220H.6 and K.C.C. 3.12.220H.7, combined, within a twelve-month period. The leave may be continuous, which is consecutive days or weeks, or intermittent, which is taken in whole or partial days as needed. Intermittent leave is subject to the following conditions:
 1. When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if authorized by the employee's appointing authority;
 2. An employee may take leave intermittently or on a reduced schedule when medically necessary due to a serious health condition of the employee or a family member of the employee; and
 3. If an employee requests intermittent leave or leave on a reduced leave schedule under K.C.C. 3.12.220I.2 that is foreseeable based on planned medical treatment, the appointing authority may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and that better accommodates recurring periods of leave than the regular position of the employee.
- J. Use of donated leave shall run concurrently with the eighteen work week family medical leave entitlement.
- K. The county shall continue its contribution toward health care benefits during any unpaid leave taken under K.C.C. 3.12.220I.
- L. Department management is responsible for the proper administration of the sick leave benefit. Verification from a licensed health care provider may be required to substantiate the health condition of the employee or family member for leave requests.
- M. An employee who returns from unpaid family or medical leave within the time provided in this ordinance section is entitled, subject to bona fide layoff provisions, to:
 1.
 - a. the same position he or she held when the leave commenced; or
 - b. a position with equivalent status, benefits, pay and other terms and conditions of employment; and
 2. The same seniority accrued before the date on which the leave commenced.
- N. Failure to return to work by the expiration date of a leave of absence may be cause for removal and result in termination of the employee from county service. (Ord. 13377 § 3, 1998: Ord. 12943 § 7, 1997: Ord. 12422 § 2, 1996: Ord. 12014 § 21, 1995).

3.12.223 Donation of vacation leave hours and donation of sick leave hours. A. Vacation leave hours.

1. Any employee eligible for leave benefits may donate a portion of his or her accrued vacation leave to another employee eligible for leave benefits. Such donation will occur upon written request to and approval of the donating and receiving employees' department director(s), except that requests for vacation donation made for the purposes of supplementing the sick leave benefits of the receiving employee shall not be denied unless approval would result in a departmental hardship for the receiving department.

2. The number of hours donated shall not exceed the donor's accrued vacation credit as of the date of the request. No donation of vacation hours shall be permitted where it would cause the employee receiving the transfer to exceed his or her maximum vacation accrual.

3. Donated vacation leave hours must be used within ninety calendar days following the date of donation. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor. Donated vacation leave hours shall be excluded from vacation leave payoff provisions contained in this chapter. For purposes of this section, the first hours used by an employee shall be accrued vacation leave hours.

B. Sick leave hours.

1. Any employee eligible for leave benefits may donate a portion of his or her accrued sick leave to another employee eligible for leave benefits upon written notice to the donating and receiving employees' department director(s).

2. No donation shall be permitted unless the donating employee's sick leave accrual balance immediately subsequent to the donation is one hundred hours or more. No employee may donate more than twenty-five hours of his or her accrued sick leave in a calendar year.

3. Donated sick leave hours must be used within ninety calendar days. Donated hours not used within ninety days or due to the death of the receiving employee shall revert to the donor. Donated sick leave hours shall be excluded from the sick leave payoff provisions contained in this chapter, and sick leave restoration provisions contained in this chapter. For purposes of this section, the first hours used by an employee shall be accrued sick leave hours.

C. All donations of vacation and sick leave made under this chapter are strictly voluntary. Employees are prohibited from soliciting, offering or receiving monetary or any other compensation or benefits in exchange for donating vacation or sick leave hours.

D. All vacation and sick leave hours donated shall be converted to a dollar value based on the donor's straight time hourly rate at the time of donation. Such dollar value will then be divided by the receiving employee's hourly rate to determine the actual number of hours received. Unused donated vacation and sick leave shall be reconverted based on the donor's straight time hourly rate at the time of reconversion. (Ord. 12943 § 8, 1997; Ord. 12014 § 22, 1995).

3.12.224 Leave - donation to Washington state college tuition prepaid program to benefit minor children of deceased employee. Notwithstanding K.C.C 3.12.190, if an employee dies while engaged within the scope of his or her employment, the executive may implement a process providing a one-time opportunity to allow employees eligible for benefits to convert either accrued vacation or accumulated compensatory time hours, or both, to cash to benefit any minor children of the deceased employee. This process must conform to the following requirements:

A. The executive shall establish a forty-five-day period during which time employees may sign a written request, subject to approval by the executive, to convert either accrued vacation or accumulated compensatory time hours, or both, to cash and to authorize a payroll deduction of the cash to benefit the minor children of the deceased employee. The hours must be in full-hour increments, with a minimum of four;

B. The executive shall determine the maximum hours that any employee can convert to cash, but the maximum may not be greater than a total of forty by each employee;

C. The value of the hours must be determined based on the regular hourly rate of the employee in effect at the time the approved conversion request is received by the county's payroll office;

D. If employees elect to convert either accrued vacation or accumulated compensatory time hours, or both, to cash as set forth in this section, the executive shall insure the establishment of a Washington state college tuition prepaid program-guaranteed education tuition (GET) account with the state of Washington secretary of the treasury to benefit any minor children of the deceased employee;

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E. The cash resulting from converted accrued vacation or compensatory time hours, or both, net of all mandatory deductions, including, but not limited to, deductions for retirement plans and federal income tax and the Federal Insurance Contributions Act, must be transmitted to the Washington state college tuition prepaid program-guaranteed education tuition (GET) account established under subsection D of this section; and

F. Employees governed by a collective bargaining agreement may convert to cash either accrued vacation or accumulated compensatory time hours, or both, only if the existing agreement allows for or the collective bargaining agreement is amended to allow for conversions as authorized in Ordinance 13743. (Ord. 13743 § 1, 2000).

3.12.2245 Leave - donation to Washington state college tuition prepaid program to benefit minor children of deceased employee - agreements by executive. The executive may enter into such agreements or modifications to existing collective bargaining agreements as are necessary to implement the purpose of Ordinance 13743. (Ord. 13743 § 2, 2000).

3.12.225 Leave for school volunteer service. The appointing authority shall allow the use of up to three days of sick leave each year to allow employees to perform volunteer services at the school attended by the employee's child. Employees requesting to use sick leave for this purpose shall submit such request in writing specifying the name of the school and the nature of the volunteer services to be performed. (Ord. 7956 § 6, 1987).

3.12.230 Holidays. A. The following days are hereby designated as official county holidays:

1. January 1, New Year's Day;
2. Third Monday in January, Martin Luther King, Jr. Birthday;
3. Third Monday in February, President's Day;
4. Last Monday in May, Memorial Day;
5. July 4, Independence Day;
6. First Monday in September, Labor Day;
7. November 11, Veteran's Day;
8. Thanksgiving Day and the day immediately following;
9. December 25, Christmas Day;
10. Special or limited holidays as declared by the president or governor, and as approved by

the council;

11. Such other days in lieu of holidays as the council may determine;

12. Employees eligible for leave benefits shall be granted two personal holidays to be administered through the vacation plan; provided, that the hours granted to employees working less than a full-time schedule shall be prorated to reflect their normally scheduled work day. One day shall be credited to the employee's leave balance on the first of October and one day on the first of November.

B. For holidays falling on a Saturday, the Friday before shall be a paid holiday. For holidays falling on a Sunday, the Monday following shall be a paid holiday.

C. An employee must be eligible for leave benefits and in a pay status on the day prior to and the day following a holiday to be eligible for holiday pay; provided, however, that an employee who has successfully completed at least five years of county service and who retires at the end of a month in which the last regularly scheduled working day is observed as a holiday, shall be eligible for holiday pay if the employee is in a pay status the day before the day observed as a holiday. (Ord. 12943 § 9, 1997: Ord. 12014 § 23, 1995).

3.12.240 Leave - Jury duty. Any employee eligible for leave benefits who is ordered on a jury shall be entitled to his or her regular county pay; provided, that fees for such jury duty are deposited, exclusive of mileage, with the department of finance. Employees shall report back to their work supervisor when dismissed from jury service. (Ord. 12943 § 10, 1997: Ord. 12077 § 5, 1995).

3.12.247 Limited duty assignment policy due to pregnancy. A. Findings. The council finds that:

1. The county is committed to affirmative action in hiring and the full participation of women in all occupations throughout the county's work force.
2. Pregnancy is a normal occurrence in a woman's life.
3. The county has already established maternity and parental leaves for its employees.
4. It is desirable to establish a policy to reasonably accommodate pregnant female county employees in a medically approved limited duty assignment.

B. Definition.

"Employee", for purposes of this limited duty assignment policy, means a full-time regular employee or a part-time regular employee. Promotional probation may be extended at the discretion of the director and after consultation with an employee's appointing authority so an employee who utilizes the limited duty provisions of this section has the opportunity to perform for the established promotional probationary period.

C. Establishment of Policy.

1. It is the policy of the county to recognize that pregnancy is a normal event in a woman's life and that provisions shall be made to provide all female employees the opportunity to continue to participate in the work force during and up to three months after a pregnancy.

2. A female employee, who upon the advice of her physician, cannot safely perform all of the normal duties of her job due to pregnancy and who indicates a desire to continue working prior to taking sick or maternity leave for which she may otherwise be eligible, shall upon concurrence of the director receive consideration for temporary reassignment. The county shall, where reasonably possible, accommodate a female employee's desire for medically approved continued employment during pregnancy and up to three months thereafter via one or more of the three alternatives listed. The first alternative shall have preference and assignments and/or reassignments shall be given within an employee's department where possible. The office of human resources management shall be responsible for coordination of the following limited duty alternatives:

- a. Temporary assignment to limited duties within the employee's classification;
 - b. Temporary reassignment of the employee to a similar classification with equal pay for which the employee is qualified;
 - c. Only if the director concurs that an employee cannot reasonably be accommodated by K.C.C. 3.12.247C.2.a or K.C.C. 3.12.247C.2.b, temporary reassignment of the employee can be made to another classification for which the employee is qualified but with lesser pay, to be assigned at the pay step closest to that which the employee was receiving in her normal job classification.
3. The executive shall determine and facilitate any necessary interfund transfers when an employee is temporarily reassigned to another department.
4. Because of the separate and unique retirement system for police, the temporary assignment and/or reassignment for pregnant police personnel shall be provided as in K.C.C. 3.12.247C.2.a and K.C.C. 3.12.247C.2.b for LEOFF I members. All three alternatives listed in K.C.C. 3.12.247C.2 can apply to LEOFF II members.

D. Limitations.

1. Temporary assignments and/or reassignments made pursuant to this section shall be limited to the period of temporary incapacity caused by pregnancy both before childbirth and upon return to work, all prior to the time when released by the employee's physician to return to full duty.

2. For the purposes of this section, temporary incapacity is defined as the period during which because of pregnancy the employee cannot perform all of her regular duties but is capable of performing a temporary limited duty assignment provided by the county as listed in K.C.C. 3.12.247C and, for purposes of this policy, in no instance shall such temporary incapacity extend more than three months after termination of the pregnancy.

3. Female employees shall continue to be eligible for paid accrued vacation and sick leave and leave of absence without pay pursuant to the personnel rules during the period of temporary incapacity due to pregnancy, pregnancy related conditions, and parenting.

E. Procedures. The director will develop procedures to implement this policy which shall include verification of the medical basis for the limited duty request.

F. Severability. Should any subsection, paragraph, sentence, clause or phrase of this section be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 12014 § 24, 1995).

3.12.250 Leave of absence - without pay. A. An employee eligible for leave benefits may take a leave of absence without pay for thirty calendar days or less if authorized in writing by the employee's appointing authority.

B. An employee eligible for leave benefits may take a leave of absence without pay for more than thirty calendar days if authorized in writing by the employee's appointing authority and the director.

C. Leaves of absence without pay shall be for periods not to exceed one year except that the director may, in special circumstances, grant an extension beyond one year.

D. Other employee benefits as provided in this chapter shall not be provided to or accrue to the employee while on leave of absence without pay, except as provided in K.C.C. 3.12.220.

E. If a leave of absence without pay was granted for purposes of recovering health, the employee shall be required by the director to submit a physician's statement concerning the employee's ability to resume duties prior to return to work.

F. An employee on leave of absence without pay may return from the leave before its expiration date if the employee provides the appointing authority with a written request to that effect at least fifteen days prior to resuming duties.

G. Failure to return to work by the expiration date of a leave of absence without pay shall be cause for removal and shall result in automatic termination of the employee from county service.

H. A leave of absence without pay may be revoked by the director upon evidence submitted to the director by the appointing authority of the employee indicating that such leave was requested and granted under false pretenses, or that the need for such leave has ceased to exist. (Ord. 13377 § 5, 1998: Ord. 12014 § 25, 1995).

3.12.260 Leave of absence - Military. A leave of absence for active military duty or active military training duty shall be granted to eligible employees in accordance with applicable provisions of state and/or federal law; provided, that a request for such leave shall be submitted to the appointing authority in writing by the employee and accompanied by a validated copy of military orders ordering such active duty or active training duty. (Ord. 12422 § 3, 1996: Ord. 12014 § 26, 1995).

3.12.262 Extension of benefits to military personnel. Any employee eligible for leave and insured benefits who upon demand by the United States Government vacates his or her position with the county either to determine his or her physical fitness to enter, or to actually enter upon active duty or training in the Washington National Guard, the United States Armed Services, or the United States Public Health Service shall receive medical, dental and life benefits for the time period commencing with the beginning of an employee's military leave of absence and continuing until active duty has been completed. These employees shall continue to receive the medical, dental and life benefits that they received prior to separation from county employment. (Ord. 12943 § 11, 1997: Ord. 9967 § 2, 1991).

3.12.270 Disciplinary action. A. A career service employee may be disciplined by the appointing authority for any of the following causes, or for any other justifiable cause:

1. Dishonesty, including but not limited to dishonesty in securing appointment;
2. Incompetency;
3. Inefficiency;
4. Unauthorized absence, including patterns of continual tardiness;
5. Neglect of duty;
6. Insubordination;
7. Consumption of alcoholic beverages or use of illegal drugs while on duty during the workday;
8. Conviction of a crime;
9. Disorderly conduct while on duty;
10. Negligent, reckless or knowing damage to or waste of public property;
11. Violation of any of the provisions of applicable federal or state law relating to political activities;
12. Negligent, reckless or knowing violation of any of the provisions of the personnel guidelines;
13. Violation of any lawful order, directive, or policy of a superior, including but not limited to the executive, department directors and division managers, or a violation of the employee code of ethics, K.C.C. 3.04.

B. Prior to the disposition of any suspension or discharge, a career service employee shall be advised of his/her right to seek assistance through the county's employee assistance program as described in the personnel guidelines.

C. Disciplinary action shall be the primary responsibility of the appointing authority and may include but is not limited to reduction in rank or pay, suspension without pay, and/or discharge of the employee from county employment. The appointing authority shall consult with the director prior to the discharge of any career service or exempt employee.

D. In any disciplinary action against a career service employee, pertinent information shall be reduced to written form by the appointing authority and a copy provided to the employee and to the director. Such written notice shall state the following:

1. The reason for discipline;
2. The facts supporting the discipline;
3. The form of discipline to be imposed;
4. The effective date of the discipline;
5. Unless otherwise provided in an applicable collective bargaining agreement, the right of the employee to appeal the following disciplinary action to the personnel board:
 - a. Suspension of more than sixty days;
 - b. Reduction in rank or pay; or
 - c. Discharge;
6. Unless otherwise provided in an applicable collective bargaining agreement, the right of the employee to appeal any disciplinary action to appropriate authorities through the initiation of grievance procedures, as authorized by or approved under this chapter.

E. Written notice of the discipline shall be delivered to the career service employee or mailed to the employee's last known address by certified mail, return receipt requested. An employee shall be deemed notified of the disciplinary action on the date the notice was delivered to the employee or the date on the return receipt, as applicable. (Ord. 12014 § 27, 1995).

3.12.280 Grievance procedures. A. The county recognizes the importance and desirability of settling grievances of career service employees promptly and fairly in the interest of continued good employee relations and morale. To accomplish this, every effort will be made to settle grievances at the lowest possible level of supervision.

B. Employees shall be unimpeded and free from restraint, interference, coercion, discrimination or reprisal in seeking adjudication of their grievances.

C. Appropriate grievance procedures designed to accomplish the intent of this section shall be developed and incorporated by the director into the personnel guidelines authorized by this chapter. Such grievance procedures shall apply to career service employees only. (Ord. 12014 § 28, 1995).

3.12.290 Personnel board appeals. A. In the case of an appeal by a career service employee to the board, written notice of appeal shall be filed by the employee with the chair of the board and the director within thirty calendar days of the employee having been notified of the disciplinary action as provided for by this chapter or within ten calendar days of completion of the grievance or appeal process contained in this chapter or any applicable collective bargaining agreement. For appeals not involving disciplinary action, the applicable period shall be fourteen calendar days from the action from which the appeal is taken, or fourteen calendar days from the time the employee should reasonably have known of the action, whichever is longer. The written notice of appeal shall contain a statement of the following:

1. The action or alleged action from which the appeal is taken;
2. The grounds for appeal; and
3. The relief requested.

The board may only hear appeals which are within its jurisdiction, as set forth by Section 540 of the charter.

B. All decisions of the personnel board shall be final unless appealed to a court of competent jurisdiction within fourteen calendar days.

C. The personnel board or the court shall award a career service employee reasonable attorney's fees incurred in any appeal in which the employee is the prevailing party, provided, that the employee shall be considered the prevailing party only where the county has a written settlement offer in effect thirty calendar days prior to the hearing of the personnel board or court and the award obtained by the employee exceeds the terms of that settlement offer; provided further, that such reasonable attorney's fees shall not exceed the actual fees paid by the employee.

D. Annually or upon request, the director shall provide the council with a status report of appeals filed with the personnel board. (Ord. 12014 § 29, 1995).

3.12.300 Reductions in force. In the event of a reduction in force due to lack of work, lack of funds or considerations of efficiency, layoffs shall be conducted at a department or division level. The order of layoff shall be conducted by class on the basis of merit. Where two or more career service employees within a class are of equal merit, county seniority shall determine the order of layoff as between those employees. Where there is an applicable collective bargaining agreement, the order of layoff shall be determined by the collective bargaining agreement. In lieu of laying off a career service employee, the director may reassign such employee to a comparable, vacant position, when the director determines such reassignment to be in the best interests of the county. (Ord. 12014 § 30, 1995).

3.12.310 Tenure. The tenure of each employee shall be subject to the rendering of efficient service. Career service employees may be removed only for cause, as specified by this chapter; provided, that such cause need not be demonstrated where an employee is retired or is laid off in accordance with the provisions of this chapter. Exempt employees serve at the pleasure of the appointing authority. Nothing in this section shall derogate from the county's power to abolish positions and lay off employees because of lack of work, lack of funds, or considerations of efficiency. (Ord. 4324 § 9, 1979).

3.12.320 Retirement. Retirement from county employment shall be administered in accordance with the provisions set forth in state law, RCW Chapter 41.40. Former employees who have retired from county employment shall be eligible for temporary and part-time employment on the same basis as other applicants; provided that PERS Plan I retirees shall not be hired on such basis into retirement eligible positions. Per RCW 41.60.690, no PERS Plan II retiree shall be eligible to receive a monthly retirement allowance if the retiree is performing service for any nonfederal public employer in the state. Ord. 8097, 1987; Ord. 4324 § 33, 1979).

3.12.330 Administration - Responsibility. The executive shall be responsible for the administration of the county personnel system in accordance with the policies and standards established by this chapter, which shall constitute the personnel rules of the county. The director as the executive's designee shall be responsible to administer the personnel system and directly-related affairs of the county to include collective bargaining; provided, that such a role will not infringe on the authority of the deputy county executive, as the county administrative officer, to exercise supervisory authority on those matters not directly relating to the formal administration of the county's personnel system; provided further, that the equal employment officer and program, to include the affirmative action program, shall be directly responsible to the county administrative officer in all applicable affairs in which there has not been a formally defined relationship, by virtue of council action or personnel guideline, between said office and the director. (Ord. 12014 § 31, 1995).

3.12.335 Supported employment. A. It is the policy of King County to provide opportunities for paid, competitive employment for individuals with developmental disabilities, as defined in this chapter, in integrated work settings. The executive shall seek the cooperation, assistance and participation of all county departments in the successful implementation of this policy.

B. Eligibility for Services. Persons with developmental disabilities as defined in RCW 71A.10.020(2), as amended, shall be eligible for supported employment pursuant to this section.

C. Responsible Agency. The office of human resource management, or its successor agency, is designated as the lead agency responsible for the management of the supported employment initiative with technical support provided by the developmental disabilities division, or its successor agency.

D. Civil Rights and Compliance Reports and Affirmative Action Master Plan. The executive shall submit the appropriate statistics and analysis of county activities in supported employment as part of the reporting requirements mandated in K.C.C. 3.12.185 to be used in creation of the affirmative action master plan as referenced in 3.12.180B.

E. Executive Authorized to Adopt Administrative Rules. The executive is authorized to adopt administrative rules to implement this section pursuant to K.C.C. 3.12.350. (Ord. 12498 §§ 1, 4 - 7, 1996).

3.12.340 Administration - Employer-employee relations. Employer-employee relations shall be maintained and conducted in a manner which will assure the rights of employees, through, or independent of, their organizations, to communicate their desires to the agencies and officers of county government, and at the same time, to insure the orderly process of governmental operations. (Ord. 4324 § 4, 1979).

3.12.350 Administration - Personnel guidelines. A. The director is directed to promulgate personnel guidelines for the purpose of implementing the directives, policies and standards contained in this chapter and in Article 5 of the charter. Such personnel guidelines shall be subject to approval by the executive.

B. The personnel guidelines shall include, but not be limited to, the following subjects:

1. Purpose, objectives and intent;
2. Definitions;
3. Pre-employment administration:
 - a. Role of the director and the office of human resources management,
 - b. Recruitment procedures,
 - c. Application procedures,
 - d. Examinations,
 - e. Employment lists,
 - f. Certification,
 - g. Appointment,
 - h. Equal employment opportunity, process requirements;
4. Post-employment administration:
 - a. Role of the office of human resources management and appointing authority,
 - b. Probationary periods,
 - c. Classification system,
 - d. Employee performance evaluation,
 - e. Disciplinary procedures,
 - f. Separation, including reductions in force,
 - g. Employee relations,
 - h. Equal employment opportunity, process requirements;
5. Grievance and appeals procedures:
 - a. Role of the office of human resources management and departments, including relationship and processes of the equal employment program,
 - b. Role of the director,
 - c. Grievance procedures,
 - d. Appeals procedures,
 - e. Role of the personnel board;
6. Conditions of employment;
7. Employee benefits;
8. Procedures for leaves of absence; and
9. Procedures for salary and administration. (Ord. 12014 § 32, 1995).

3.12.360 Effect of collective bargaining. When a collective bargaining agreement establishes a condition of employment, benefit or procedure which conflicts with a condition, benefit or procedure established by this chapter or otherwise by ordinance, the collective bargaining agreement shall take precedence with respect to those employees covered by the agreement, so long as the following conditions are met:

- A. The condition of employment, benefit or procedure created by the agreement is lawful; and
- B. The agreement has been adopted by the council by ordinance.

Adoption of the agreement by ordinance shall be deemed an amendment of this chapter only with respect to the affected employees and subject condition, benefit or procedure. (Ord. 12014 § 33, 1995).

3.12.364 Gainsharing program for water pollution control division. The gainsharing program between the water pollution control division of the department of natural resources and SEIU Local 6 shall be extended to non-represented full-time regular and part-time regular employees in the East and West Maintenance and Operations Units of the division.

A. All such non-represented employees in East and West Operations and Maintenance Units of the division will be eligible to participate in the gainsharing program. All employees who elect to participate will be subject to the rules in the Gainsharing Program Handbook.

B. The gainsharing program is a performance-based team incentive plan which links employee compensation to actual dollar savings in key division business objectives. The primary goals of the program are: achieve savings for ratepayers; increase efficiency while maintaining high operating standards; encourage teamwork; provide financial incentive for employees; and encourage employee involvement in, and ownership of, the business.

C. Any such non-represented employee in the East and West Operations and Maintenance organizations may choose not to participate in the gainsharing program and receive any lawfully authorized performance pay for non-represented employees. At the start of each calendar year those employees who have not previously elected to participate will have an opportunity to choose to enter the gainsharing program; however, once an employee has chosen to be included, he/she must remain in the gainsharing program so long as the gainsharing program continues.

D. The program guidelines are documented in the Gainsharing Program Handbook. The same rules apply to all participating employees. Performance baselines for determining payouts or losses will be set and reviewed annually by the Gainsharing Committee. This committee consists of members from the SEIU-Division Joint Labor Management Committee, SEIU Local 6 members, division management, and non-represented employees.

E. At the end of each quarter, the Gainsharing Committee will compare performance measures against baselines. A report of the performance will be forwarded to the SEIU Local 6 Joint Labor Management Committee and then to the manager of the division for review and approval before gains or losses are posted to the division and the gainsharing pool.

F. Non-represented employees in the program will receive payouts according to the provisions in the Gainsharing Program Handbook. Net gains and/or losses in the program do not affect an employee's base salary. Net gains will be distributed to non-represented employees in the same manner as to Local 6 members; net losses will be charged against the gainsharing reserve fund. A non-represented employee in the water pollution control division who is serving probation for any reason during a quarter is not eligible for a gainshare payout in that quarter. (Ord. 12014 § 35, 1995).

3.12.365 Effect on sheriff's civil service. In the event of a conflict between the provisions of this chapter and any statute or regulation governing members of the sheriff's civil service system, such statute or regulation shall take precedence. (Ord. 9498 § 14, 1990)

3.12.370 Severability. Should any chapter, section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 4324 § 40, 1979).

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Chapter 3.12A CAREER SERVICE REVIEW

Sections:

- 3.12A.010 Findings and policy statement.
- 3.12A.020 Definitions.
- 3.12A.030 Annual review
- 3.12A.040 Effect of exceeding threshold hours.
- 3.12A.050 Appeal procedure.
- 3.12A.060 Termination.
- 3.12A.200 Severability.

3.12A.010 Findings and policy statement. The council finds that both operational efficiency and fair and equitable employment practices are advanced by the use of regular, career service employees where appropriate. Therefore, it is the policy of King County to have ongoing, relatively stable, and predictable bodies of work necessary to the provision of services to the public performed by career service employees, and to minimize its use of part-time and temporary employees. To achieve that goal, the council hereby adopts the procedures set forth in this chapter. (Ord. 12943 § 13, 1997).

3.12A.020 Definitions. The definitions set forth in K.C.C. 3.12 are hereby incorporated in this chapter. Words not defined in K.C.C. 3.12 or in this chapter shall have their ordinary and usual meanings. In the event of conflict, the specific definitions set forth in this chapter shall presumptively, but not conclusively, prevail.

A. "Committee" means the career service review committee which shall consist of the following three permanent members: the deputy county executive or his or her designee; the chief officer of the office of budget and strategic planning or successor organizational unit, or his or her designee; and the director of the office of human resources management or successor organizational unit, or his or her designee; and one member representing the department whose body of work and/or employees are then under review. (Ord. 12943 § 14, 1997).

3.12A.030 Annual review. The executive shall conduct an annual review as described herein. By March 1 of each year, beginning March 1, 1999, each executive department and administrative office shall prepare and submit to the committee a comprehensive report documenting its use of part-time and temporary employees, other than probationary and provisional employees, in the preceding calendar year.

Within 60 days of submission of the above reports, the committee shall make a factual determination as to whether an ongoing, relatively stable and predictable body of work on an annualized basis has been identified. If the committee determines that such a body of work exists, the committee may recommend: (1) the creation of any new part-time or full-time regular career service position(s); or (2) the filling of an existing vacant career service position in which the work is being performed by a temporary or part-time employee(s); or (3) the creation of a term-limited temporary employee position; or (4) the cessation of the work. If the committee identifies such a body of work, but the committee does not make any of the recommendations described above, the department must discontinue the use of part-time or temporary employees to perform that work. If the committee recommends creation of a regular career service position, but the executive does not recommend or the council does not create such a position, the department shall discontinue performance of the pertinent body of work by temporary or part-time employees.

Any regular career service position created as a result of this process will be filled by a competitive hiring process.

The reports of each department and of the committee and the records of their proceedings shall be considered disclosable public records and shall also be made available to the council upon request. (Ord. 12943 § 15, 1997).

3.12A.040 Effect of exceeding threshold hours. Part-time and temporary employees, other than probationary, provisional and term-limited temporary employees, who exceed the calendar year working hour thresholds set forth in the definitions contained in K.C.C. 3.12 shall receive pay in lieu of benefits as provided in K.C.C. 3.12. Provided, that exceeding the threshold hours does not confer career service status on any employee.

3.12A.050 Appeal procedure. A. Part-time and temporary employees, other than probationary and provisional employees, who exceed the calendar-year working-hour thresholds set forth in the definitions contained in K.C.C. 3.12 may seek conversion of a body of work in which they perform into a part-time or full-time regular career service position by appeal to the committee. Conversion decisions shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work that is half time or more, even though the work was not perceived as such previously, and whether it should be performed by a regular part-time or full-time career service employee. The committee shall also decide, if the body of work does not warrant a career service position, whether the position should be converted to a term-limited temporary employee position. The committee shall determine whether the work performed by the employee shall (1) remain outside career service as part-time or temporary, (2) be converted to a term-limited temporary employee position that receives benefits, or (3) be converted to a part-time or full-time regular career service position.

The committee shall make its determination within 45 days of the employee's request. In the event of a tie vote by the committee, where half the committee finds that the body of work should be converted, the appeal shall be deemed to have prevailed. The committee shall make a recommendation to the executive for recommendation to the council. The executive's recommendation shall be submitted to the council if the executive decides the body of work should be performed by a career service employee and that further position authority is required. If the council does not approve the additional position, the work shall promptly be discontinued and not performed by temporary or part-time employees.

If the committee finds that the work performed by the employee should remain part-time or temporary, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. The committee shall direct the appeal to be considered by a hearing examiner of the county or, at its option, the committee may direct the appeal be considered by an independent, neutral arbitrator who will make a final determination. The arbitrator shall be chosen by the director and the appellant, and shall be paid by the employing department or administrative office. The hearing examiner's or arbitrator's decision shall be limited to either upholding the committee's finding or overturning the committee's finding. The decision shall be based on whether the work performed by the employee is an ongoing, relatively stable, and predictable body of work and is half-time or more, under the same standards applicable to the committee, or on whether the work meets the definition of term-limited temporary position. Employees covered by a grievance procedure contained in a collective bargaining agreement may elect either to use the grievance procedure, if the applicable collective bargaining agreement permits it, or to use the appeal procedure described above, but not both procedures.

If the hearing examiner or arbitrator overturns the committee's findings, any new career service or term-limited temporary position must be absorbed by the department within its authorized position level, or within funds available for term-limited temporary position work, provided that the department may request additional position or budget authority. The appealing employee will be placed in the career service position as a provisional appointee, with insured benefits and leave benefits, until a competitive hiring process, which substantially takes into account and weighs the experience of the employee performing the tasks of the position, is completed. If the appealing employee is selected for the position, his or her start date will be the date of the provisional appointment for all purposes, including seniority and/or a probationary period, except that those employees covered by a collective bargaining agreement the date of the appointment shall be determined in accordance with the collective bargaining agreement or by the collective bargaining process. If the employee is placed in a term-limited temporary position, his or her start date will be the date of his or her appointment to the term-limited temporary position for all purposes, except for those employees covered by collective bargaining agreements, whose start date will be determined by the collective bargaining agreement or by the collective bargaining agreement process.

B. Appeal Procedure For Term-Limited Temporary Employees. A term-limited temporary employee who exceeds his or her term may appeal to the committee to have the body of work converted to a career service position. The committee shall decide whether the body of work still warrants a term-limited temporary position designation or should be converted to a career service position. If a majority of the committee finds that the body of work should continue as a term-limited temporary position, the employee may appeal within ten days from the date of receipt of the committee's finding by filing a notice of appeal with the committee. In the event of a tie vote, the appeal shall be deemed to prevail. The appeal process shall be the same as for part-time and temporary employees (other than probationary and provisional employees), provided, however, if the employee prevails in the appeal, the employee shall be placed in a career service position, not a provisional appointment, and the employee shall not be required to serve a probationary period. (Ord. 12943 § 17, 1997).

3.12A.060 Termination. Nothing in this chapter shall restrict King County's ability to terminate part-time and temporary employees who exceed the calendar year working hour thresholds or term-limited temporary employees who exceed the calendar years threshold set forth in the definitions contained in K.C.C. 3.12; provided, however, that if an employee seeks conversion of their position by appeal to the committee, termination of that employee for reasons related to the appeal shall be deferred until the conclusion of the appeal process described herein. If the employee's appeal is successful, the employee shall not be terminated but rather be assigned to a position as required by the appeal process described herein. (Ord. 12943 § 18, 1997).

3.12A.200 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or its application to other persons or circumstances shall not be affected thereby. (Ord. 12943 § 19, 1997).

Chapter 3.13
QUALITY IMPROVEMENT EMPLOYEE AWARDS PROGRAM

Sections:

- 3.13.015 Quality improvement program established.
- 3.13.020 Eligibility criteria.
- 3.13.030 Evaluation criteria.
- 3.13.040 Monetary and non-monetary awards.
- 3.13.045 Administration.
- 3.13.055 Expiration.
- 3.13.060 Continuation of suggestion system under Resolution No. 4278.
- 3.13.100 Severability.

3.13.015 Quality improvement program established. A. Establishment of Program. There is hereby created a quality improvement employee awards program. The program is established to offer recognition to quality improvement work teams or individuals whose efforts improve the delivery of services to county residents and/or achieve cost savings while maintaining or bettering the present quality of service delivery.

B. Awards Committee. An awards committee is hereby established to evaluate quality improvements and cost savings and to determine monetary and non-monetary awards consistent with the provisions of this chapter. The awards committee shall be comprised of an appointee of the council, a representative of the executive, the chief budget officer in the executive branch, and four representatives from executive departments appointed by the executive. The chief budget officer shall serve as the chair of the committee and shall convene meetings of the committee as necessary to conduct business but not less than quarterly.

C. Administration and Support. The executive shall establish administrative guidelines for the program. The executive shall ensure that each department director supports the program and provides adequate resources, within appropriations, to support the program.

D. Annual Reports to Council. By March 1, 1997 and March 1 of every year thereafter, the executive shall submit a report to the council on the previous year's achievements and awards under the program and recommendations for improvements to the program. (Ord. 12014 § 38, 1995).

3.13.020 Eligibility criteria. A. Employee Eligibility: Participation in the quality improvement employee awards program shall be limited to full-time regular and part-time regular employees.

B. Project Eligibility: Quality improvements eligible for award are those that demonstrate measurable improvements in one or more of the following areas:

1. Improved operating methods or procedures, resulting in increased productivity;
2. Improved customer or employee satisfaction;
3. Improved cycle time or efficiency;
4. Increased revenue;
5. Decreased costs; or
6. Conservation of resources.

C. Recommendations. Department directors and division managers may recommend to the awards committee awarding work teams and individual employees whose projects and suggestions meet the established criteria. The administrative guidelines established by the executive shall identify other means by which employees may nominate work teams and individual employees for evaluation and awards. (Ord. 12014 § 39, 1995).

3.13.030 Evaluation criteria. A. Quality improvement projects and employee suggestions will be evaluated on the extent to which the following goals are achieved:

1. A demonstrable and quantifiable improvement in operating methods or procedures, resulting in an increase in efficiency or productivity;
2. A demonstrable increase in the quality of service delivery to the county's internal or external customers resulting in improved customer or employee satisfaction; and
3. A demonstrable, quantifiable resource savings or cost avoidance.

B. The awards committee may identify and use other criteria as they may relate to cost, productivity, efficiency and quality improvement. (Ord. 12014 § 40, 1995).

3.13.040 Monetary and non-monetary awards. A. The awards committee is authorized to make monetary awards up to \$500 per employee and non-monetary awards to quality improvement work teams and individuals whose projects and suggestions meet the established criteria. Monetary awards in excess of \$500 per employee shall be approved by the executive, but in no case shall exceed \$5,000 per employee. Award winners will be named on a semi-annual basis. Written notice of such awards shall be provided to members of the council.

B. Quality improvement work teams and individuals chosen to receive awards shall be eligible for tickets to sporting events, symphony, theater, concerts or other like events, one day of paid leave for each team member, and other forms of non-monetary recognition.

C. All winning teams and individuals will be invited to an annual awards luncheon to be hosted by the executive, councilmembers, and other county officials. (Ord. 12014 § 41, 1995).

3.13.045 Administration. The executive shall make information concerning the quality improvement employee awards program available to employees at the time of hire, and shall require all directors and managers to post information on this program in a prominent place in each department, office and division. (Ord. 12014 § 42, 1995).

3.13.055 Expiration. The quality improvement employee awards program will be evaluated after two years to determine the extent to which the delivery of services to county residents has been improved and cost savings have been achieved while maintaining or bettering the quality of service delivery. In addition, the evaluation shall consider employee and management satisfaction with the program. The executive shall submit the two-year evaluation report to the council and make recommendations on changes to improve the program. (Ord. 12014 § 43, 1995).

3.13.060 Continuation of suggestion system under Resolution No. 4278. The suggestion system established by Resolution No. 4278 of the council of the Municipality of Metropolitan Seattle and the administrative rules issued pursuant to said resolution shall apply to suggestions submitted on or prior to December 31, 1995 by employees in the former department of metropolitan services. Such suggestions shall be evaluated pursuant to said resolution and administrative rules. Monetary awards for such suggestions shall be subject to approval by the executive; provided, that such awards shall be within appropriations. (Ord. 12014 § 44, 1995).

3.13.100 Severability. The provisions of this chapter shall be effective in all cases unless otherwise provided by federal law. The provisions of this chapter are separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or other portion of this chapter or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter or the validity of the application to other persons or circumstances. (Ord. 12014 § 45, 1995).

Chapter 3.13A
DEPARTMENT OF ADULT DETENTION

Sections:

3.13A.060 Training - Correction officers.

3.13A.060 Training - Corrections officers. The department of adult detention shall operate in accordance with the following policies:

A. An initial 120 hours of training will be provided after appointment in which the new corrections officer will be assigned to the training supervisor and will not be available for regular shift assignment. During this initial training period, the new corrections officer will be trained in the field of adult detention and corrections with attention given to the procedures and policies of the county jail.

B. Newly hired corrections officers will receive training as required by the State of Washington. (Ord. 9684 § 1, 1990).

Chapter 3.14
CIVIL SERVICE COMMISSION

Sections:

- 3.14.010 Powers assigned.
- 3.14.020 Removals, suspensions, and demotions.
- 3.14.030 Secretary/chief examiner.
- 3.14.040 Rules and regulations.
- 3.14.050 Effective date.
- 3.14.060 Severability.

3.14.010 Powers assigned. The powers and duties of the sheriff's civil service commission under Chapter 41.14 RCW are hereby assigned to the office of human resources management except those powers and duties set forth in RCW 41.14.120. (Ord. 12014 § 46, 1995).

3.14.020 Removals, suspensions, and demotions. The sheriff's civil service commission shall continue to hear and decide cases regarding removals, suspensions, and demotions as provided in RCW 41.14.120. (Ord. 8179 § 2, 1987).

3.14.030 Secretary/chief examiner. The position of secretary/chief examiner of the sheriff's civil service commission is hereby abolished as of the effective date of this chapter. Any functions which have heretofore been performed by said secretary/chief examiner are hereby assigned to the director of the office of human resources management. (Ord. 12014 § 47, 1995).

3.14.040 Rules and regulations. A. Rules and regulations for the administration of the sheriff's personnel system shall be adopted and amended by the county council by ordinance. The director of the office of human resources management is directed to promulgate administrative guidelines for the purpose of implementing such rules and regulations and the requirements of Chapter 41.14 RCW.

B. Except to the extent they are inconsistent with the provisions of this chapter, the current rules and regulations of the sheriff's civil service commission, which are on file with the clerk of the council, are hereby incorporated by this reference and made a part hereof and adopted for the administration of the sheriff's personnel system. The executive shall review such rules and regulations and report periodically to the council proposing such amendments thereto as may be appropriate to bring such rules into substantial conformance with general county personnel rules insofar as permitted by Chapter 41.14 RCW. (Ord. 12014 § 48, 1995).

3.14.050 Effective date. This chapter shall take effect no earlier than July 27, 1987. (Ord. 8179 § 8, 1987).

3.14.060 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 8179 § 9, 1987).

Chapter 3.15
PAY PLAN AND CLASSIFICATIONS OF POSITIONS

Sections:

- 3.15.020 Procedures.
- 3.15.030 Reclassifications and reassignment of pay ranges.
- 3.15.040 Classification changes.
- 3.15.045 Classification of positions.
- 3.15.050 Designations or professional licenses.
- 3.15.060 Administration.
- 3.15.070 Confirmation.
- 3.15.080 Court Commissioners and Administrators.
- 3.15.090 Severability.
- 3.15.100 Minimum wages.
- 3.15.110 Salary limitations.

3.15.020 Procedures. The provisions of this section shall be applicable to all positions in the executive branch and the department of assessments allocated to a classification assigned a pay range in Sections 3, 4, and 10 of Ordinance No. 7996.

A. Except as otherwise provided by ordinance, the schedule of pay ranges shall consist of ninety-nine pay ranges, each containing ten steps as approved in the annual cost-of-living ordinance.

B. Employees may receive within-range increases from one step to the next higher step, upon satisfactory completion of the probationary period and annually thereafter as provided below:

1. Upon completion of the probationary period, an employee's salary shall be advanced to Step 2, if the rate currently paid is Step 1; if the employee's initial salary is at Step 2, or higher, it may be advanced at the discretion of the appointing authority to the next higher step. All probationary period increases must be supported by performance appraisal. Increases exceeding Step 5 must be approved by the director.

2. Annual step incentive increases shall be given on January 1 of the year following the prior year fall performance appraisal.

3. Employees are eligible for a step increase on the basis of performance and current step position as authorized in the incentive pay program step increase guide.

a. In recognition of above standard or exceptional performance, the appointing authority may grant an annual increase exceeding a single step.

b. Increases beyond Step 5 must be based upon above standard performance and must be supported by performance appraisal.

c. Increases beyond Step 8 must be based upon outstanding performance and must be supported by performance appraisal.

d. Employees receiving incentive increases whose current salary does not coincide with a step on the pay plan shall be advanced to a step on the pay plan which shall be the next higher step after such incentive increase.

C. An appointing authority may grant to an employee, an increase to a salary above the top step of the range if the following conditions are met:

1. The employee is not a department director.

2. The employee must have been at the top step of the range for at least two consecutive years.

3. The employee must have demonstrated continuous outstanding performance, which must be supported by performance appraisal.

4. Written justification must be submitted to the director for approval.

5. Incentive increases above the top step may not exceed five percent, PROVIDED that, in no case shall the resultant annualized salary of an employee exceed ninety-five percent of the top step of the range assigned to the employee's immediate supervisor.

6. Incentive increases above the top step will be in effect for twelve months only. Such increases must be justified each year by meeting the above specified conditions.

D. All within-range incentive increases are subject to the availability of funds. Within-range incentive increases are not automatic but shall be given only upon the affirmative action of the appointing authority within the guidelines established by the director. (Ord. 12014 § 50, 1995).

3.15.030 Reclassifications and reassignment of pay ranges. The director shall have the responsibility and authority to reclassify any position to an existing or new classification and reassign pay ranges to existing classifications. In the case of a reclassification, an incumbent employee shall be placed on the first step of the newly assigned pay range or on the step which is the nearest to but not less than five percent more than the incumbent's previous salary, whichever is greater, but not greater than the top step, except for annual incentive increases provided for in this chapter or otherwise provided by ordinance. In the case of a reassignment of a pay range to an existing classification, an incumbent employee shall be placed on the same step of the newly assigned pay range as the previously assigned pay range. Any salary adjustments resulting from said reclassification or pay range reassignment shall not become effective until such time as the executive certifies that sufficient funds are available, within the then existing appropriation of the department within which the position is being reclassified. (Ord. 12014 § 52, 1995).

3.15.040 Classification changes. The personnel manager may abolish, amend or create new classifications provided the assignment or reassignment of pay ranges to said classification shall be subject to the provisions of Section 3.15.030 herein, provided further, the creation of any appointed classification, position, or reclassification of any appointed position, regardless of pay range or any pay range adjustments for positions exceeding range 54 or movements of four or more pay ranges for an existing classification or any pay range adjustment affecting two or more classifications in a classification series, shall be confirmed by the Administration and Justice Committee prior to implementation. (Ord. 7996 § 10, 1987: Ord. 7394 § 10, 1985: Ord. 6627 § 15, 1983: Ord. 6142 § 11, 1982: Ord. 5443 § 10, 1981: Ord. 4871 § 12, 1980: Ord. 4160 § 11, 1979: Ord. 3632 § 11, 1978: Ord. 3083 § 12, 1977: Ord. 2685 § 12, 1976: Ord. 2277 § 11, 1975: Ord. 2179 § 11, 1974: Ord. 1892 § 11, 1974: Ord. 1780 § 4, 1973: Ord. 1282 § 5, 1972).

3.15.045 Classification of positions. A. The director shall develop and maintain a classification plan for all positions within the career service which shall provide that all positions which are substantially similar and comparable as to kind, difficulty, and responsibility of work are included in the same class.

B. The classification plan shall set forth for each career service class a title, definition, distinguishing characteristics, representative examples of work, and the knowledge and skills necessary to perform the work.

C. The director shall periodically review the classification plan, and may add, combine, abolish, or revise the specifications or establish new classes.

D. Whenever reorganization, change in job content or council action causes the duties of a position to change, or such position appears to have been incorrectly classified, the director may reclassify the position to a more appropriate classification after conferring with the appointing authority and employee involved and reviewing recommendations and suggestions. (Ord. 12014 § 51, 1995).

3.15.050 - 3.15.110

3.15.050 Designations or professional licenses. An employee who has a valid Washington State Professional Civil Engineering license, a registered architect's license or a professional designation of CPA, MAI, RM, SSA, CPM or SR/WA, shall be paid an additional twenty-five dollars per month if such designation or professional license is a requirement of the job assignment. (Ord. 7996 § 11, 1987: Ord. 7394 § 11, 1985: Ord. 6627 § 16, 1983: Ord. 6142 § 12, 1982: Ord. 5443 § 11, 1981: Ord. 4871 § 13, 1980: Ord. 4160 § 12, 1979: Ord. 3632 § 12, 1978: Ord. 3083 § 13, 1977: Ord. 2685 § 13, 1976: Ord. 2277 § 12, 1975: Ord. 2179 § 12, 1974: Ord. 1892 § 12, 1974: Ord. 1780 § 3, 1973).

3.15.060 Administration. The administration of the pay provisions set forth herein will be the responsibility of the county executive. (Ord. 7996 § 12, 1987: Ord. 7394 § 12, 1985: Ord. 6627 § 17, 1983: Ord. 6142 § 13, 1982: Ord. 5443 § 12, 1981: Ord. 4871 § 14, 1980: Ord. 4160 § 13, 1979: Ord. 3632 § 13, 1978: Ord. 3083 § 14, 1977: Ord. 2685 § 14, 1976: Ord. 2277 § 13, 1975: Ord. 2179 § 13, 1974: Ord. 1892 § 13, 1974: Ord. 1282 § 6, 1972).

3.15.070 Confirmation. Pay range assignments shall be subject to confirmation by ordinance by the King County council at least annually. (Ord. 7996 § 13, 1987: Ord. 7394 § 13, 1985: Ord. 6627 § 18, 1983: Ord. 6142 § 14, 1982: Ord. 5443 § 13, 1981: Ord. 4871 § 15, 1980: Ord. 4160 § 14, 1979: Ord. 3632 § 14, 1978: Ord. 3083 § 15, 1977: Ord. 2685 § 15, 1976: Ord. 2277 § 14, 1975: Ord. 2179 § 14, 1974: Ord. 1892 § 14, 1974: Ord. 1282 § 7, 1972).

3.15.080 Court Commissioners and Administrators. A. Effective September 1, 1987 the annual salary for the Superior Court Commissioners shall be ninety-five (95%) per cent of that set by law for Superior Court Judges. The Superior Court Administrator's salary will be determined by the Superior Court Judges at ninety-five (95%) per cent of that set for Superior Court Commissioners.

B. Effective September 1, 1987, the annual salary for the District Court Administrator shall be 90 (90%) per cent of that set by law for the District Court Judges. (Ord. 8299, 1987).

3.15.090 Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 7996 § 15, 1987: Ord. 7394 § 15, 1985: Ord. 6627 § 20, 1983: Ord. 6142 § 17, 1982: Ord. 5443 § 18, 1981: Ord. 4871 § 18, 1980: Ord. 4160 § 18, 1979: Ord. 3632 § 18, 1978: Ord. 3083 § 18, 1977: Ord. 2685 § 18, 1976: Ord. 2277 § 17, 1975: Ord. 2179 § 17, 1974: Ord. 1892 § 17, 1974).

3.15.100 Minimum wages. A. No employee of the county working full-time, part-time or temporary shall be paid at any rate less than that mandated by federal and state law, whichever is higher.

B. No contractor or subcontractor doing business with the county or furnishing workers or services in connection thereof shall pay any employee performing any work for such business with the county less than that mandated by the state law.

C. The terms of this section are not applicable to volunteer or quasi volunteer EMS workers, or to volunteer election workers provided by non-profit agencies. (Ord. 12014 § 53, 1995).

3.15.110 Salary limitations. Except for annual step incentive increases provided for in this chapter or as otherwise provided by ordinance, no employee's salary shall be greater than the amount applicable to the top step of the pay range assigned to the employee's classification. (Ord. 12014 § 54, 1995).

Chapter 3.16
LABOR AND EMPLOYEE RELATIONS

Sections:

- 3.16.005 Purpose.
- 3.16.010 Bargaining agent designated.
- 3.16.012 Mission.
- 3.16.015 Definitions.
- 3.16.020 Powers.
- 3.16.025 Preparation for bargaining.
- 3.16.030 Prior acts confirmed.
- 3.16.040 Time limit.
- 3.16.045 Corrections officers.
- 3.16.047 Non-represented employees.
- 3.16.050 Labor committee functions.
- 3.16.060 Annual labor summit.

3.16.005 Purpose. The intent and purpose of this chapter is to recognize that there exists a public policy in the State of Washington as well as King County against strikes by essential law enforcement personnel as a means of settling their labor disputes; that such essential law enforcement personnel include corrections officers employed by King County; that the uninterrupted and dedicated service of these employees is vital to the welfare and public safety of the County of King; that to promote such dedicated and uninterrupted public service there should exist an effective and adequate means of settling disputes. (Ord. 10631 § 1, 1992).

3.16.010 Bargaining agent designated. There is established an ordinance for collective bargaining and, pursuant to the provisions of Section 890 of the King County Charter, the King County executive is designated bargaining agent for King County. (Ord. 197 § 1, 1969).

3.16.012 Mission. The mission of the council and the bargaining agent shall be to develop labor relations policy and other policies affecting county employees in accordance with the following principles and consistent with the philosophy, objectives and guidelines found in King County council Motion 9182:

A. Provide a positive climate in King County government where employees feel their contributions are valued, their ideas are heard and their desires to serve the public are fulfilled.

B. Help county employees view King County government as a desirable place to work and as a place where the public business is conducted in a cost-effective manner.

C. Allow the council an adequate and meaningful opportunity to provide policy direction to the bargaining agent before the collective bargaining process begins.

D. Cause King County management to plan, prepare and be accountable for obtaining agreements at the bargaining table concerning operating improvements necessary to best serve the public interest and improve the working conditions for employees.

E. Create and maintain a collective bargaining and employee relations climate in King County government that encourages cooperative efforts and joint problem-solving among bargaining representatives, the bargaining agent, employees and management to address ways to better serve the public, increase productivity, reduce waste, improve safety, improve morale, and recruit and retain quality employees.

F. Acknowledge, encourage and continue the efforts of bargaining units and management to engage in collaborative or interest-based bargaining, which has had the positive effects of reducing the adversarial nature of traditional bargaining and enhancing consensus-making in labor relations. (Ord. 11480 § 5, 1994).

3.16.015 - 3.16.025

3.16.015 Definitions. Unless the text clearly indicates otherwise, as used in this chapter, the following words shall have the meanings set forth in this section:

- A. "Corrections officer" means any full-time, fully compensated uniformed correctional officer or sergeant who works for the department of adult detention (King County jail).
- B. "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with King County.
- C. "Bargaining agent" means the King County executive.
- D. "Public employer" means King County.
- E. "Commission" means the Public Employment Relations Commission.
- F. "Executive director" means the executive director of the Commission.
- G. "911 operator" means any full-time, fully compensated communications specialist or communications specialist supervisor who works for the department of public safety.
- H. "Labor Committee" or "committee" means the King County council committee designated by the council's organizational motion as the committee responsible for establishing labor policy.
- I. "Labor policy" or "policy" means those general principles which work to implement the intent of this chapter and guide negotiations for wages, benefits, working conditions and other terms of employment. (Ord. 11480 § 3, 1994: Ord. 10631 § 2, 1992).

3.16.020 Powers. The bargaining agent is authorized on behalf of King County to meet, confer and negotiate with bargaining representatives of the public employees of King County for the purpose of collective bargaining as contemplated by RCW 41.56, and the King County Charter, Section 890, and to timely recommend to the King County council proposed wages, hours, and employee benefits and other conditions of county employment for the purposes of county budgets and such collective bargaining agreement or agreements as may be required and authorized by ordinance. The bargaining agent shall not negotiate new collective bargaining agreements prior to preparing for bargaining and conferring with the committee as required in K.C.C. 3.16.012, 3.16.025 and 3.16.050. (Ord. 11480 § 4, 1994: Ord. 197 § 2, 1969).

3.16.025 Preparation for bargaining. A. The bargaining agent shall establish and conduct a process to prepare for negotiations which performs at least the following functions:

1. By June 30th of each year, or, in the case of agreements expiring other than December 31st, at least 90 days prior to the commencement of negotiations, in preparation for collective bargaining the bargaining agent shall report to the committee the agreements expiring that calendar year. The bargaining agent shall also generally explain existing policies which, if changed, would further the principles and intent established by this chapter. County department management concerned with the collective bargaining process, with the advice of other relevant county departments, shall assist the bargaining agent in reporting to the committee.
2. The bargaining agent shall recommend to the committee overall changes to adopted policies that would be required to implement the changes proposed in K.C.C. 3.16.025 A.1., and an overall estimate of the monetary value, if any, of these changes, including both costs and benefits.
3. Prior to commencement of negotiations for the agreements, the bargaining agent shall meet with the committee to present the recommended strategies for implementing adopted policies resulting from the preparation for bargaining process. The bargaining agent's strategies shall be generally consistent with the principles contained in this chapter and the overall policy direction established by the committee.
4. The bargaining agent should continue to use collaborative or interest-based bargaining where both parties agree, and this chapter shall not be construed to restrict or inhibit such bargaining.
5. No later than January 1, 1996, the bargaining agent shall cause to be developed and maintained a database of information within King County government on wages, hours, employee benefits, vacation and other leave, job classifications and substantial and factual information to provide knowledge of working conditions necessary to conduct effective negotiations. Such information shall be made available to the bargaining representatives to the extent provided by RCW 41.56.030(4), Public Employees' Collective Bargaining law of the State of Washington as set forth by the collaborative process identified in King County council Motion 9182.

The bargaining agent shall report to the committee no later than June 30, 1995 the progress made and the steps remaining to comply with the above and to complete development of a human resources information system.

6. A bargaining representative may at any time during negotiations forward to the director, office of human resource management, or the director, human resources, metropolitan services department or their successors, a written complaint that the collective bargaining process is not being conducted in a timely manner or is not being conducted in a manner consistent with good faith bargaining. The director shall have 15 calendar days in which to respond in writing to the complaint and to propose such remedies as may address the complaint.

If the bargaining representative is not satisfied with the written response of the director, or if a written response to the complaint is not received within 15 calendar days, the bargaining representative may forward the written complaint to the King county executive, as the bargaining agent, who shall have 15 calendar days to respond to it in writing and propose such remedies as may address the complaint.

If the bargaining representative is not satisfied with the written response of the bargaining agent, or if a written response is not received from the bargaining agent within 15 calendar days, the bargaining representative may request that the written complaint be forwarded to the committee.

If the bargaining agent receives a written request to have the complaint forwarded to the committee, including an explanation of reasons for the request, the bargaining agent shall forward the request, together with the bargaining agent's written response, to the committee within five (5) calendar days from the receipt of the request, provided that these materials or any discussion thereof shall remain confidential to the extent allowed by law.

The committee may, at its discretion, request that the bargaining agent meet with the committee for the purpose of reviewing the status of negotiations with regard to the principles contained in this chapter and the overall policy direction established by the committee, provided that the committee shall take no action which would interfere with the lawful role of the bargaining agent.

7. By June 30 of each year, the prosecuting attorney, in conjunction with bargaining agent, shall report to the committee on all pending unfair labor practice charges and all pending litigation and arbitration involving represented employees.

8. The committee shall confer with the bargaining agent to develop necessary guidelines for the implementation of this section, consistent with this chapter and King County council Motion 9182.

B. Bargaining. The bargaining agent shall be the sole negotiator for King County government and shall bargain in good faith as provided by law. The bargaining agent shall commence and complete collective bargaining negotiations in a timely manner and in accordance with the overall principles and intent of this chapter. (Ord. 11480 § 7, 1994).

3.16.030 Prior acts confirmed. Any act pursuant to the authority and prior to the effective date of this section is hereby ratified and confirmed. (Ord. 197 § 3, 1969).

3.16.040 Time limit. A. Any collective bargaining agreement between King County and a recognized bargaining representative as defined in RCW 41.56.030 which has been ratified by both parties shall be transmitted to the King County council no later than 45 days after the tentative agreement has been reached.

B. Failure to meet this deadline shall result in the payment of interest on the retroactive amount of any negotiated salary or wage increase equal to interest earned on Federal 90 day treasury bills from the first day following the deadline through the date the tentative agreement is transmitted to the King County council, unless the 45 days have been extended by mutual agreement by both parties in writing.

C. The interest accrued, if any, shall be divided among the county employees represented by the collective bargaining unit, based upon each employees individual retroactive wage rate increase. The computed interest shall be included in the first pay check which pays out the rate of pay negotiated in the tentative collective bargaining agreement. (Ord. 8658, 1988).

3.16.045 - 3.16.050

3.16.045 Corrections officers. - Application of RCW 41.56.440 - 41.56.470 and RCW 41.56.480 - 41.56.490. In the furtherance of collective bargaining the provisions of RCW 41.56.440 - 41.56.470 and RCW 41.56.480 - 41.56.490 shall also be applicable to corrections officers and 911 operators as defined in this chapter. (Ord. 10631 § 3, 1992).

3.16.047 Non-represented employees. A. The executive shall, by June 30 of each year report to the committee regarding employment policies applicable to non-represented employees.

B. By June 30 of each year the prosecuting attorney, in conjunction with the executive, shall report to the committee on all pending litigation involving non-represented employees. (Ord. 11480 § 8, 1994)

3.16.050 Labor committee functions. A. The committee shall perform the following functions:

1. The committee shall meet as it deems necessary to obtain the testimony of members of the public, the bargaining agent, bargaining representatives or their designees, county department management and others in order to consider such testimony in policy decisions before the committee but shall not engage in bargaining with bargaining representatives or represented employees. Pursuant to RCW 42.30.140, the council or the committee may convene in a meeting not open to the public for any meetings, or portions of meetings, during which the council or committee is planning or adopting the strategy to be taken by the county during the course of any collective bargaining or reviewing the proposals made in the negotiations or proceedings while in progress.

2. By June 30 of each year, or, in the case of agreements expiring other than December 31, at least ninety days prior to commencement of negotiations, the committee shall meet with the bargaining agent to review the schedule of collective bargaining agreements expiring in that calendar year and the key issues related to the collective bargaining process and shall establish overall policy for negotiations. Methods of consultation with unions, management rights and eliminating the causes of employee grievances shall also be considered. The committee shall provide an opportunity for bargaining representatives or their designees to address the committee prior to the adoption of overall policy. Overall policy, and all amendments to adopted policies, shall be established only upon an affirmative vote by a majority of the members of the committee.

3. Following the establishment of overall policy, and prior to commencement of negotiations, the committee shall meet to hear the bargaining agent's recommended strategies for implementing adopted policies. The committee shall confer with the bargaining agent as it deems necessary to ensure compliance with this chapter and good-faith collective bargaining.

4. The committee shall meet at least quarterly to review the progress of the negotiations but shall not interfere with good-faith collective bargaining. The bargaining agent may seek further clarification of adopted policies from the committee at any time during the negotiations.

5. The committee shall review all agreements negotiated between the bargaining agent and bargaining representatives to ensure compliance with the principles contained in this chapter and with the overall policy direction established by the committee. The committee may recommend to the council adoption or rejection of agreements or it may forward agreements to the council for action without recommendation.

6. The chair of the committee may convene a special meeting when he/she deems it necessary to discuss critical labor policy issues.

B. Confidentiality. For the purpose of maintaining an effective collective bargaining process, the strategies and related information presented by the bargaining agent shall be maintained as confidential. The committee shall develop guidelines to assist in accomplishing such confidentiality. (Ord. 12014 § 55, 1995).

3.16.060 Annual labor summit. The chair of the King County council shall annually convene a summit between the county's elected officials and the local labor leadership and the leadership of all collective bargaining units representing the county's work force. Such a labor summit shall take place between March 1 and August 31 of each given year. The intent of convening an annual labor summit shall be to: increase communication between King County elected officials and the leadership and membership of local labor organizations and of all the county's collective bargaining units, to identify issues and problems of mutual concern, to identify solutions to problems affecting the memberships of the county's collective bargaining units, to delineate ways in which the county's elected officials may more closely and effectively work with the county's collective bargaining units and local labor organizations to attain mutual goals and to foster a spirit of cooperation in working to serve the public.

Meeting minutes at the summit shall be recorded and adopted by the King County council at a subsequent regular meeting of the council. (Ord. 13000 § 2, 1998).

Chapter 3.24

TRAVEL AUTHORIZATION AND EXPENSE REIMBURSEMENT

Sections:

- 3.24.010 Definitions.
- 3.24.020 Persons authorized to receive expense reimbursement.
- 3.24.030 Travel authorization.
- 3.24.050 General rules.
- 3.24.060 Transportation costs.
- 3.24.070 Lodging costs.
- 3.24.080 Per diem meal and incidental rates and refreshment costs.
- 3.24.090 Miscellaneous reimbursable expenses.
- 3.24.100 Nonreimbursable expenses.
- 3.24.105 Travel expense advances.
- 3.24.110 Leave of absence during travel.
- 3.24.120 Lobbyist per diem in lieu of reimbursement.
- 3.24.130 Expense reimbursement.
- 3.24.140 Repayment of unauthorized reimbursements.
- 3.24.150 Implementation.
- 3.24.160 Reporting.
- 3.24.170 Reimbursement of moving expenses for certain employees.

3.24.010 Definitions. All words in this chapter shall have their ordinary and usual meanings except those defined in this section which shall have the meaning set forth below:

A. "Day travel" shall mean travel outside of the county that exceeds six hours but does not include an overnight stay. Travel outside of the county for six hours or less or travel within the county is not considered day travel.

B. "Emergency" shall mean the occurrence of unforeseen or exigent circumstances which may result in harm to the public good.

C. "Employee" shall mean any person who is employed in a career service position or an exempt position as defined in K.C.C. chapter 3.12, except persons serving the county without compensation and members of boards and commissions. "Employee" includes all county elected officials.

D. "Federal lodging limit" shall mean the maximum amount a federal employee may be reimbursed per day for lodging expenses, excluding applicable taxes, in the respective host city for travel within the continental United States as published in the Code of Federal Regulations, 41 CFR §301, App. A, and as hereafter amended.

3.24.010 - 3.24.030

E. "Government rates" shall mean the discounted rates offered to government employees, in the course of conducting official business, by lodging establishments, rental car agencies and other providers of services to government employees.

F. "Moving expenses" shall mean expenses incurred for transportation of family and common household possessions, including meals and incidentals per diem, automobiles and lodging expenses.

G. "Official county business" shall mean business that relates directly to a person's work function and benefits the county.

H. "Overnight travel" shall mean travel outside of the county that exceeds twelve hours and includes an overnight stay.

I. "Presiding elected official" shall mean the county executive for the executive branch departments, agencies and offices except assessments and public safety; the county assessor for the department of assessments; the prosecuting attorney for the office of the prosecuting attorney; the county sheriff for the department of public safety; the chair of the county council for the legislative branch; and the presiding judges of the superior and district courts, or the official or officials designated by that branch or unit of county government. (Ord. 13257 § 1, 1998: Ord. 12904 § 2, 1997: Ord. 9206 § 1, 1989).

3.24.020 Persons authorized to receive expense reimbursement. This chapter applies to all departments, agencies and offices of the executive branch, including but not limited to the departments of judicial administration, public safety, and assessments; the council and subordinate units of the legislative branch; the office of the prosecuting attorney; and the superior and district courts. Within budgetary constraints, the following persons are authorized to receive expense reimbursement in conformance with this chapter and are likewise responsible for compliance with the terms of this chapter and any implementing policies and procedures:

A. County employees;

B. Candidates for positions that are exempt from the career service or candidates for positions that require a specialized skill not available in the county job market may be authorized by the presiding elected official, subject to the following restrictions:

1. For travel to the county from their place of residence outside the county to be interviewed.

2. Maximum of five interview trips for a given position during any twelve month period.

3. No candidate for employment is eligible for more than two separate interview trips for a given position.

4. Approval by the presiding elected official is required before an invitation to interview is issued.

C. Persons otherwise authorized by law, grant or contract, provided that the terms of such other expense reimbursement authorization shall apply. (Ord. 13257 § 2, 1998: Ord. 12077 § 7, 1995).

3.24.030 Travel authorization. A. Authorization for day or overnight travel or to incur expenses estimated to exceed one hundred dollars shall be obtained in accordance with the established policies and procedures of the respective presiding elected official prior to commencing the activity. Travel plans shall be authorized in advance by the presiding elected official or designee, except when an emergency arises that requires travel to commence within twenty-four hours. If expenses are incurred without prior to authorization, the presiding elected official or designee will determine whether an emergency existed and the expenses are reimbursable. The person requesting reimbursement will be responsible for payment of expenses that were incurred without prior authorization and subsequently determined not to constitute an emergency.

B. Persons authorizing travel shall not be subordinate to the requester, shall ensure that the traveler is provided information about the applicable travel expense reimbursement policies prior to incurring travel expenses and shall apply, at a minimum, the criteria outlined below in making decisions on granting or denying such requests:

1. Requested travel shall be for the conduct of official county business. The travel request shall describe the relationship between the travel and work functions and indicate what benefit the county will receive from the travel. Any available printed material indicating the overall content and quality of

the event shall be attached to the travel request. The number of persons engaging in a given travel activity shall be the minimum necessary to achieve the expected benefit.

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3.24.030 - 3.24.060

2. Travel requests shall be accompanied by a travel itinerary and itemized list of anticipated expenditures. Expenditure plans must be reasonable and budgeted monies for reimbursement must be available and authorized.

3. For nonmandatory attendance at job-related seminars, conferences, conventions or training, travel may be authorized with reimbursement at less than the rates otherwise authorized, provided that the reduced reimbursement rates are mutually agreed to in writing by the person authorizing the travel and the traveler prior to the travel.

4. If the person is to maintain employment/business status during the travel, travel authorization is required even if the county will not be funding the travel expenses. (Ord. 13257 § 3, 1998; Ord. 9206 § 3, 1989).

3.24.050 General Rules. A. All persons are responsible for exercising prudent judgment to avoid unnecessary county expense. Travel requests and reimbursement claims shall strictly conform to the provisions of this chapter and other applicable laws, grants, contracts or policies.

B. The traveler shall be responsible for excess costs and additional travel expenses resulting from taking an indirect route or delaying the return trip for personal preference or convenience, except that additional travel expenses may be approved and reimbursed if an indirect route or delay reduces the county's total costs. Additional travel expenses paid under this provision are subject to the reimbursement limitations specified in this chapter and, considering both salary and travel expenses, must not exceed the documented savings.

C. The provisions of this chapter shall apply to both domestic and foreign travel, except that the limits on travel expense reimbursements for transportation, lodging, and meals and incidentals, as provided for in K.C.C. 3.24.060 through 3.24.080, shall apply only to travel within the continental United States, which shall consist of the forty-eight contiguous states and the District of Columbia. Transportation, lodging, and meals and incidental expense reimbursement for travel outside the continental United States shall be based upon actual expenses to a maximum of the overseas rates established by the federal General Services Administration for federal travel to the specific location, subject to all other provisions of this chapter.

D. No travel or meal expense that would not be a reimbursable expense under this chapter may be the object of a direct expenditure of county funds. (Ord. 13257 § 5, 1998; Ord. 9206 § 5, 1989).

3.24.060 Transportation costs. The county will pay the actual and necessary costs of transportation of conducting official county business as follows:

A. Travel shall be by the method of transportation and route that will be most advantageous to the county, considering the cost of transportation, other travel expenses and salary. The excess cost of first class or business class fare for a given mode of travel shall not be reimbursed when less expensive fares are available. When a private mode of transportation is used in lieu of a more customary form of transportation to the event site, travel expenses shall be reimbursed at the lesser of the two costs.

B. When automobile transportation is necessary, a county vehicle or public transportation shall be used whenever practical. When rental vehicles are authorized, government rates must always be requested. When use of a private automobile is authorized, reimbursement for mileage shall be the current Internal Revenue Service (IRS) rate per mile for business-related travel and reimbursement for parking shall be the actual cost, except as provided by a collective bargaining agreement, prevailing law or contract. The department of finance shall be responsible for administering and announcing the current IRS mileage rate for business-related travel.

C. The starting and ending locations of travel are the official work place or the residence, depending on the work schedule and the work status of the traveler at the time of departure and arrival.

D. Transportation between a person's home and regularly assigned workplace is not reimbursable, except that members of regional committees who are not full-time elected officials may be reimbursed actual parking and round-trip mileage expenses, at the current IRS mileage rate for business-related travel, between the member's workplace or residence and the location of the regional committee meeting. (Ord. 13257 § 6, 1998; Ord. 12077 § 8, 1995).

3.24.070 - 3.24.080

3.24.070 Lodging costs. Lodging costs actually incurred are reimbursable only as follows:

A. Lodging costs will be reimbursed only if a person is in overnight travel status. Government rates must always be requested. Lodging receipts are required. Lodging costs in the host city may be claimed from the night before the authorized event starts through the night before it ends, unless reasonably priced and timely return transportation is not available, thereby necessitating additional lodging costs.

B. The traveler shall be reimbursed for actual lodging costs incurred for single occupancy, to a maximum of the federal lodging limit for the host city plus taxes. If the lodging receipt indicates a charge for double occupancy and two persons are authorized to travel on behalf of the county, each traveler shall be allowed one-half the double occupancy charge. If one person is not authorized to travel on behalf of the county, the person authorized to travel shall be reimbursed at the single occupancy rate to a maximum of the federal lodging limit.

C. For seminars, conferences or conventions, costs for lodging at the event site may be authorized in excess of the federal lodging limit for the host city under the following conditions:

1. No alternate lodging is available within a reasonable distance of the event site which is within the federal lodging limit for the host city. The traveler must provide a signed statement of unavailability with the request for reimbursement; or

2. The authorized means of transportation between the alternate lodging site and the event site would exceed the savings in lodging costs; or

3. The presiding elected official, or his or her designee, has authorized the excess expenditure in writing and in advance for any exigent circumstances which may exist.

D. The department of finance shall distribute federal lodging limits, as published in the Code of Federal Regulations, 41 CFR §301, App. A, as rate changes occur. (Ord. 13257 § 7, 1998: Ord. 9206 § 7, 1989).

3.24.080 Per diem meal and incidental rates and refreshment costs. A. Day and overnight travel status. For persons traveling on official county business, meal and incidental expenses are reimbursable at the per diem rates established by the federal travel regulations for the host city, published annually in the Code of Federal Regulations, 41 CFR §301, App. A. The per diem rates include fixed allowances for breakfast, lunch, dinner and incidental expenses, by city. The meal allowances include tips and gratuities. The incidental rates are calculated to allow for expenses such as fees and tips to baggage carriers, concierges, hotel staff and laundry. Reimbursement for incidentals is authorized only for overnight travel. Receipts are not required.

1. For day travel, the fixed allowance per meal, as established by the federal per diem rate, may be claimed if in travel status at the following times: 7:00 a.m. - breakfast, 12 noon - lunch, and 6:00 p.m. - dinner.

2. For overnight travel, the per diem meal and incidental rate may be claimed. On the first and last days of travel, meals shall be reimbursed at the rates established for day travel, plus incidentals.

3. When the expense of a meal is included in a registration fee, air fare or other county expense, the per diem meal and incidental rate will be reduced by the fixed allowance for the respective meal.

B. Nontravel status.

1. Meal expenses incurred while the person is not in travel status are not normally reimbursable, except that meals may be reimbursed or paid directly by the county for official county business purposes as follows:

a. for staff retreats lasting more than four hours in a single day, for either single or multiple days, not to exceed one retreat per quarter per county division or key subordinate unit as defined by K.C.C. 2.16.100; or

b. when an integral part of a job-related seminar, conference, convention, or training occurs during the meal, provided such meals are approved in advance, in writing, by the presiding elected official or designee; or

c. when a meeting subject to the Open Public Meetings Act, chapter 43.20 RCW, continues through the times listed in K.C.C. 3.24.080A.1; or

d. for events authorized in advance and in writing by a presiding elected official or designee, provided that this authorization shall not be provided in circumstances that violate article VIII, section 7 of the state Constitution, which prohibits gifts of public funds.

2. Reimbursable meals incurred while in nontravel status are limited to the fixed meal allowance established by the federal travel regulations for each participant.

C. Refreshments. Expenses for refreshments are not normally reimbursable, except that refreshment expenses may be reimbursed when an employee is not in travel status, under the conditions provided for in K.C.C. 3.24.080B. Additionally, refreshments may be provided to employees by the county, at its option. Refreshment expenses, however, are limited to fifty percent of the fixed lunch meal allowance established by the federal travel regulations for each participant. Any purchase of refreshments that will cost more than fifty dollars in total per function must be approved in advance and in writing by the presiding elected official or designee.

D. Nonreimbursable meal and refreshment costs. Meal and refreshment costs are neither reimbursable nor may they be paid by the county as a direct expenditure when:

1. They are included in another county expense, regardless of whether the person partakes in the meal or refreshment; or

2. They are incurred for recreational or social events such as office parties, going away parties, retirement parties, or other personalized social events; or

3. It would violate the provisions of article VIII, section 7 of the state Constitution, which prohibits a gift of public funds.

E. Exceptions to the per diem meal rates. Meal expenses may be incurred at a rate higher than that established by federal regulations when one of the following conditions apply:

1. The presiding elected official or designee approves the cost of the meal because a circumstance related to a particular meal results in exceeding the authorized meal rate. A receipt detailing the expense, accompanied by written justification, shall be submitted with the request to exceed the fixed meal allowance; or

2. The meal expense is incurred on behalf of another agency that reimburses the county for the expense, in which case the expense shall be reimbursed according to the rules specified by the funding agency; or

3. When necessitated by special dietary needs.

F. The department of finance shall distribute federal meal and incidental rates, as published in the Code of Federal Regulations, 41 CFR §301, App. A, as rate changes occur. (Ord. 13257 § 8, 1998: Ord. 12077 § 9, 1995).

3.24.090 Miscellaneous reimbursable expenses. A. Miscellaneous expenses related to official county business travel which are considered essential and reimbursable include, but are not limited to:

1. Registration fee of a seminar, conference, convention or similarly organized program subject to the limitation in K.C.C.3.24.080A.3.

2. Rental of a room in a hotel or other facility that is used to transact official business.

3. Parking; ferry and bridge tolls; taxi, subway and bus fares; airport shuttle service and rental vehicles.

4. Stenographic, typing or computer-related services.

5. Telephone calls or facsimile (fax) transmissions necessary for the conduct of official business or to advise of a change in official travel plans.

6. Traveler's checks.

7. Baggage handling service, when necessitated by physical limitations or when carrying excessive baggage or equipment required for an official business purpose, may be claimed beyond the expense limitations provided for in K.C.C. 3.24.080A.

B. A miscellaneous nontravel expense related to official county business is reimbursable if the expense is under one hundred dollars and approved in advance by the presiding elected official or designee. (Ord. 13257 § 9, 1998: Ord. 9206 § 9, 1989).

3.24.100 - 3.24.110

3.24.100 Nonreimbursable personal expenses. Miscellaneous travel expenses not directly related to the conduct of official county business are not reimbursable.

A. Certain expenses are considered personal and therefore nonreimbursable including, but not limited to:

1. Laundry, except as covered by the incidental per diem rate provided for in K.C.C. 3.24.080.
2. Personal telephone calls, except as provided for in K.C.C 3.24.090A.5.
3. Entertainment, clothing, personal sundries and services, transportation to places of entertainment and similar personal items.
4. Room service costs that exceed the fixed rate established for the meal incurred and valet service, except when necessitated by physical limitations.
5. Personal "trip insurance" and medical or hospital services.
6. Alcoholic beverages and tobacco products.
7. Tips and gratuities, except as provided for in K.C.C. 3.24.080A.
8. Fines and penalties.
9. Dependent care, except as provided through the county employee benefits program.

B. The county shall not provide funding of travel expenses when a source of reimbursement other than the county is specified in county, state or federal law or policy. In cases where reimbursement is available from another source, the county may, at the option of the approving authority, pay the difference between what the county policy would allow for the total travel activity and the total reimbursed from the other source for expenses reimbursable under the provisions of this chapter, but shall not selectively reimburse for only specific items with differing reimbursement rates between the county and the other source. (Ord. 13257 § 10, 1998; Ord. 9206 § 10, 1989).

3.24.105 Travel expense advances. A. Whenever it becomes necessary for an employee to incur reimbursable expenses for overnight travel, the department of finance may make a travel expense advance if requested by the employee. The amount of such an advance shall not exceed the amount of anticipated reimbursable expenses.

B. Travel expense advances shall be used only to defray reimbursable expenses incurred while conducting official county business. Travel expense advances shall not, under any circumstances, be considered a personal loan to the employee and any expenditure thereof, other than for official county business purposes, shall be considered a misappropriation of county funds.

C. On or before the tenth day following the close of the authorized travel period, any employee who received a travel expense advance shall submit a fully itemized travel expense voucher, as provided for in K.C.C. 3.24.130, accompanied by the unexpended portion of such advance, if any, to the approving official. The approving official shall have an additional five calendar days to process and forward the travel voucher and unexpended funds to the department of finance. The department of finance shall withhold from the employee's next paycheck any travel expense advance, or any portion thereof, not properly accounted for or repaid to the department of finance within the fifteen-day period. Such withholdings shall include interest, from the date of default until paid, at the rate established by RCW 42.24.150.

D. County employees who are delinquent in accounting for or repaying a prior travel expense advance shall be ineligible for any additional advances until such time as repayment or acceptable justification for the delinquent advance has been made. (Ord. 13257 § 11, 1998).

3.24.110 Leave of absence during travel. A. When leave of absence of any kind is taken while in a travel status, the exact hour of departure and return to duty status shall be shown on the travel expense claim voucher. Except as provided in the following paragraph, expense reimbursement, including transportation to and from the post of duty, shall not be granted for such period.

B. Whenever a traveler takes leave of absence because of incapacitation due to illness or injury not due to the employee's own misconduct, the authorized reimbursement for lodging and subsistence may be continued during the leave period, but not to exceed in total the authorized cost for return to the employee's official station or residence, whichever is closer, and then back to the assignment. (Ord. 9206 § 11, 1989).

3.24.120 Lobbyist per diem in lieu of reimbursement. A. Any expense for which a county employee would otherwise be reimbursed shall be a legal obligation of and expenditure by the county when incurred in the course of "lobbying" as defined in RCW 42.17.020(18), or in the course of providing requested information to an official or officials of another government agency.

B. Any employee of the county, when assigned to a session of the Washington state legislature as a full time "lobbyist" as defined in RCW 42.17.020(19), shall be authorized to receive, in lieu of meals and incidentals and lodging cost reimbursements provided for in this chapter, an allowance for each and every consecutive day of a session at a rate equivalent to that authorized for members of the Washington state legislature in accordance with RCW 44.04.120. (Ord. 13257 § 12, 1998: Ord. 9206 § 12, 1989).

3.24.130 Expense reimbursement. A. Travel expenses. The traveler shall submit a fully itemized travel expense voucher to obtain reimbursement for travel expenses reimbursable under the provisions of this chapter. Travel expense reimbursement claims shall include the time, place, business purpose and participants in accordance with procedures established by the presiding elected official and on forms approved by the department of finance. Any applicable conference, convention or seminar brochure; airline itinerary; travel authorization(s) and justifications for exceeding the established limits for travel expenses shall be attached to the travel expense reimbursement claim.

1. For travel to a foreign country, the travel reimbursement claim shall show the total cost in the foreign currency, converted to U.S. dollars. The exchange rate shall be determined using either the rate published in the Wall Street Journal on the date representing the mid-point of travel, or the receipt provided by the bank or hotel making the exchange transaction, provided it shows the exchange rate, date and transaction fee.

2. For travel to Canada, the department of finance shall ensure that the necessary forms and records are submitted to the appropriate Canadian government to request the goods and services tax refund. Requests for refunds shall be made upon completion of travel claim and voucher review.

B. Nontravel expenses. The employee shall submit a fully itemized expense voucher to obtain reimbursement for reimbursable nontravel expenses.

C. Receipts prepared and issued by the service provider or copies of endorsed checks are required wherever this chapter provides for actual cost reimbursement, except that receipts are not required for expenses of less than ten dollars.

D. Persons responsible for approving expense reimbursement claims shall be the respective presiding elected official or designee but shall not be subordinate to the claimant.

E. The approving official of expense reimbursement claims shall ensure that one political subdivision does not pay expenses properly attributed to another, in violation of RCW 43.09.210. (Ord. 13257 § 13, 1998: Ord. 12077 § 10, 1995).

3.24.140 Repayment of unauthorized reimbursements. The department of finance shall seek repayment of expenses from the person who was reimbursed whenever an audit or subsequent review of travel expense reimbursements finds that such expenses were reimbursed contrary to the provisions of this chapter. (Ord. 13257 § 14, 1998).

3.24.150 - 3.24.170

3.24.150 Implementation. A. Each presiding elected official shall be responsible for preparing and adopting administrative policies and procedures for submittal, approval and reimbursement of expense claims. Such policies and procedures shall include examples of the types of expenses allowed and disallowed, consistent with the provisions of this chapter. Should a presiding elected official not adopt the necessary policies and procedures within thirty days of the effective date of this chapter (December 10, 1998), the policies and procedure adopted by the executive shall apply until the presiding elected official adopts the necessary policies and procedures.

B. The department of finance shall be responsible for developing and disseminating the forms required to authorize and reimburse expenses. (Ord. 13257 § 15, 1998).

3.24.160 Reporting. The department of finance shall annually provide to the council a report, by department, agency or office, listing reimbursements made under the provisions of this chapter. At a minimum, the report shall include:

A. Reimbursement for lodging expenses that exceed the federal lodging limits provided for in K.C.C. 3.24.070 and the reasons therefore; and

B. Reimbursement expenditures made to candidates for employment interview expenses under K.C.C. 3.24.020; and

C. Refreshment expense reimbursements provided for county functions under K.C.C. 3.24.080. (Ord. 13257 § 16, 1998).

3.24.170 Reimbursement of moving expenses for certain employees. A. Within the executive branch, including the department of judicial administration, the director of human resources management may authorize in writing at the written request of the appointing authority reimbursement for reasonable and necessary moving expenses to the following categories of county employees:

1. Persons whose appointments require council confirmation and who have been so confirmed.

2. Persons appointed by the deputy county executive to exempt positions.

3. Persons appointed by the directors of executive departments to exempt positions.

B. Within the legislative branch, the department of assessments, the department of public safety, the office of the prosecuting attorney, and district and superior courts, the presiding elected official may authorize, in writing, the reasonable and necessary moving expenses of employees appointed within their agencies.

C. Reimbursement shall be authorized provided that prior to the appointment the appointing authority agreed to the reimbursement of moving expenses as necessary to obtain the services of a particular individual.

D. Confidential secretaries, and other exempt clerical positions, shall be excluded from the provisions of this section.

E. Total reimbursement shall not exceed six thousand dollars and reimbursement for specific expenses shall be subject to the limitations provided for throughout this chapter. Reimbursement will be authorized within the budgetary constraints of the employing department, agency or office.

F. Authorized moving expenses shall be reimbursable from departure until such time as possessions arrive in the county, unless such expenses have been otherwise reimbursed. Costs incurred in travel other than those related to direct travel to the place of new residence will be considered nonreimbursable. (Ord. 13257 § 18, 1998; Ord. 12014 § 56, 1995).

(King County 12-98)

COMPENSATION FOR USE OF PRIVATELY OWNED VEHICLES

3.28.010 - 3.30.010

Chapter 3.28
COMPENSATION FOR USE OF
PRIVATELY OWNED VEHICLES

Sections:

- 3.28.010 Generally.
- 3.28.020 Amount.

3.28.010 Generally. The executive, legislative and judicial branches of county government may, at their individual option, establish a system of reimbursement on a monthly allotment basis for use of privately owned vehicles used in connection with county business in lieu of permanently assigned county vehicles. (Ord. 1902 § 1, 1974).

3.28.020 Amount. The compensation provided for in Section 3.28.010 shall not exceed the average monthly charge billed by the department of transportation for equivalent vehicles. (Ord. 12077 § 11, 1995).

Chapter 3.30
USE OF COUNTY VEHICLES TO COMMUTE

Sections:

- 3.30.010 Purpose.
- 3.30.020 Definitions.
- 3.30.030 Take-home vehicle assignment policies and criteria.
- 3.30.040 Authority to approve take-home vehicle assignments.
- 3.30.050 Record-keeping.
- 3.30.060 Semiannual monitoring and re-authorization of take-home vehicle assignments.
- 3.30.070 Exemption.

3.30.010 Purpose. The purpose of this chapter is to ensure the proper use of public funds with regard to the county's practice of allowing employees to commute to and from work in county owned vehicles. The intent of this chapter is to:

- A. Restrict the number of county owned vehicles being used by employees to commute to and from work;
- B. Establish criteria and policies for evaluating and authorizing take-home vehicle assignments;

C. Require the fleet administration division of the department of transportation to document the number of current take-home vehicle assignments;

D. Require the fleet administration division of the department of transportation to develop administrative rules for implementing the provisions of this chapter; and

E. Require the fleet administration division of the department of transportation to re-evaluate all take-home vehicle assignments in accordance with the policies and criteria established herein. (Ord. 12077 § 12, 1995).

(King County 9-99)
PERSONNEL

3.30.020 - 3.30.030

3.30.020 Definitions. For purposes of this chapter, the following terms shall have the meanings set forth below:

A. "Assigned take-home vehicle" means a county vehicle which is used by a county employee for county business and for regularly commuting to and from the employee's home and work station.

B. "Assigned vehicle" means a county vehicle assigned to a department or county employee for county business, but not for employee commuting to and from the employee's home and work station.

C. "Emergency Response" means an employee response to an emergency situation requiring immediate attention for the protection of life or property.

D. "Motor pool dispatch vehicle" means a vehicle issued from a central motor pool for a single trip or for less than three working days.

E. "Occasional overnight usage of county-owned vehicles" means county employees taking home county-owned vehicles after attending night meetings or other county business activities that occur outside an employee's normally scheduled work hours. Occasional overnight usage of a county-owned vehicle shall mean no more than twelve times per quarter on average.

F. "Work station" means the office or site a county employee reports to perform normally scheduled work. (Ord. 11183 § 1, 1993).

3.30.030 Take-home vehicle assignment policies and criteria. The Council wishes to restrict the number of take-home vehicles provided to county employees. To accomplish this objective, the following policies and criteria shall be used as the basis for authorizing take-home vehicle assignments:

A. Take-home vehicle policies:

1. For county business before or after normal working hours, providing motor pool dispatch vehicles or travel reimbursement is preferred over the assignment of take-home vehicles.

2. The assignment of a take-home vehicle is neither a privilege, nor a right of any county employee.

3. Take-home vehicle assignments shall not be made based on employee merit or employee status.

4. Wherever possible, county vehicles shall be picked up and dropped off at designated county parking areas, thereby avoiding the assignment of take-home vehicles.

B. Take-home vehicle assignment criteria:

1. Emergency response. Take-home vehicles may be assigned to county employees who:

a. Have primary responsibility to respond to emergency situations which require immediate response to protect life or property;

b. Respond to emergencies at least twelve times per quarter;

c. Cannot use alternative forms of transportation to respond to emergencies; and

d. Cannot pick up county-owned assigned vehicles at designated sites.

Emergency response assignments shall be supported by data demonstrating the actual number and nature of emergency responses in the prior year, and estimates of future emergency responses. In

addition, there must be an explanation why an employee cannot use alternative forms of transportation to respond to the emergencies or pick up county owned assigned vehicles at designated parking areas.

2. Economic benefit to the county. Take-home vehicles may be assigned if employee travel reimbursement costs are greater than the commuting costs associated with overnight vehicle usage. Lost productivity costs, the cost of the time it takes an employee to travel from a designated county parking facility to their work station, shall not be included in the calculation of economic benefit to the county. In addition, there must be an explanation why an employee cannot use alternative forms of transportation or pick up county owned vehicles at designated parking areas.

3. Special equipment vehicles. Take-home vehicles may be assigned if an employee needs specialized equipment or a special vehicle to perform county work outside an employee's normally scheduled work day. Employees taking a county vehicle home must have primary responsibility to respond to emergencies. Special equipment vehicle assignments shall be supported by information describing the special equipment needed to perform the county work. The need for communication access (car radio, telephone, etc.) shall not be considered adequate justification for a take-home vehicle assignment. (Ord. 11183 § 2, 3, 1993; Ord. 10930 § 3-4, 1993).

(King County 9-99)

USE OF COUNTY VEHICLES TO COMMUTE

3.30.040 - 3.30.070

3.30.040 Authority to approve take-home vehicle assignments. The fleet administration division of the department of transportation shall be the executive agency in charge of implementing the provisions of this chapter. Fleet administration shall:

- A. Develop the administrative rules to implement the provisions of this chapter.
- B. Evaluate all take-home vehicle assignment requests from executive departments; and
- C. Approve and monitor take-home vehicle assignments including the take-home vehicle assignments from or to the department of parks and cultural resources, the solid waste division of the department of natural resources, and the airport division of the department of construction and facility management. (Ord. 12077 § 13, 1995).

3.30.050 Record-keeping. The fleet administration division of the department of transportation shall develop and maintain central records of all county take-home vehicle assignments. The records shall be maintained in one location and shall be readily available to the council and the public upon request. At a minimum, the record-keeping should contain:

- A. Vehicle assignment by department, division, position title, and employee name;
- B. Mileage including a breakdown of commuting mileage and work related mileage based on a trip log;
- C. Number and nature of emergency related calls, if the take-home vehicle is assigned based on an emergency response justification; and
- D. A calculation of savings if take-home vehicle assignment is based on an economic justification. (Ord. 12077 § 14, 1995).

3.30.060 Semiannual monitoring and re-authorization of take-home vehicle assignments. Beginning in 1994, the fleet administration division of the department of transportation shall, on a semi-annual basis, re-evaluate and update all executive department take-home vehicle assignments. By June 30 and December 31 of each year, the fleet administration division shall make available to the council and the public an updated list of take-home vehicle assignments. The updated list shall identify each take-home vehicle assignment by department, division, and position title. In addition, there should be written documentation for each take-home vehicle assignment which describes how each assignment meets the policies and criteria set forth in this chapter. (Ord. 12077 § 15, 1995).

3.30.070 Exemptions. A. Commissioned Police Officers. All vehicles assigned to commissioned police officers including commissioned roads use investigators, and arson investigators shall be exempt from the provisions of this chapter.

B. Occasional Overnight Usage. Occasional overnight usage of county-owned vehicles is permitted. Occasional overnight usage may involve:

- 1. Taking a county vehicle home before or after attending a meeting away from the employee's normal place of work; and

2. Taking a county vehicle home when an employee has primary responsibility to respond to emergencies caused by inclement weather, such as, flooding or heavy snow storms.

C. Collective Bargaining Agreement. All represented employees whose collective bargaining agreement specifically provides for take-home vehicle assignments are exempt from the provisions of this chapter. (Ord. 11183 § 8, 1993; Ord. 10930 § 11, 1993).

3.32.005 - 3.32.020

(King County 3-98)
PERSONNEL

Chapter 3.32

COUNTY AUTOMOTIVE PARKING FACILITIES

Sections:

- 3.32.005 Locations.
- 3.32.010 Administrative regulations.
- 3.32.020 Parking fees - general.
- 3.32.030 Exemptions.
- 3.32.040 Public parking area.
- 3.32.045 Parking rates - 5th and Jefferson public parking.
- 3.32.050 Parking assignments.
- 3.32.055 Parking rates - parking stalls.
- 3.32.060 Penalties.
- 3.32.090 Parking fee revenues - disposition.

3.32.005 Location. County automotive parking facilities shall refer to the parking spaces found in the following areas:

- A. County automotive center, 5th and Jefferson.
- B. County courthouse, 3rd and James.
- C. County adult detention center, 5th and James.
- D. Open surface lots located at 5th and Jefferson, and on Yesler.
- E. Yesler Building. (Ord. 10175 § 1, 1991; Ord. 8753 § 4, 1988).

3.32.010 Administrative regulations. Administrative regulations adopted by the department of construction and facility management shall include, but not be limited to, the following subjects:

- A. Identification of positions eligible for reserved and unreserved parking;
- B. Regulation of after-hours and weekend parking;
- C. Enforcement procedures, including certification and monitoring of carpools and the establishment of procedures for handling complaints;
- D. Designation of the public parking area;
- E. Prohibition of the resale of the parking stall assignment; and
- F. Designation of reserved and unreserved parking areas. (Ord. 12077 § 16, 1995).

3.32.020 Parking fees - general. A. All county employees and elected officials who are assigned the regular use of a parking stall, or who are authorized the use of available unassigned parking stalls on a regular basis while engaged in county business, within any of the county-owned parking facilities, shall pay parking fees as provided in this chapter. Parking fees shall not be paid by the county on behalf of any individual employee or elected official who is assigned the regular use of a county parking stall regardless of whose vehicle that person parks in the stall. Current county employees covered by existing collective bargaining agreements shall be affected only in a manner consistent with state law. Any exemptions to garage parking fees are subject to approval by council motion. A list of county employees recommended for exemption and the reason for their exemption should be presented annually by January 31st to the council for approval before exemptions are granted.

B. Method of payment. Such parking fees shall be paid through monthly payroll deductions from the wages of the employee or elected official who is assigned the regular use of the county parking stall regardless of whether that person is assigned the use of a county-owned vehicle, assigned a vehicle provided at county expense, or uses a privately-owned vehicle.

C. Optional survey. The department of construction and facility management may conduct a survey of the monthly parking rates charged for public parking in lots of ten or more spaces within the area bounded by Jackson Street on the south, Sixth Avenue on the east, Columbia Street on the north and Second Avenue on the west. Such survey and any parking fee recommendations shall be forwarded to the council for consideration during the budget process. (Ord. 12077 § 17, 1995).

(King County 9-97)

COUNTY AUTOMOTIVE PARKING FACILITIES

3.32.030 - 3.32.055

3.32.030 Exemptions. King County motor pool vehicles not assigned to individuals are exempt from the provisions of Section 3.32.020. (Ord. 8753 § 2, 1988: Ord. 3511 § 4, 1977).

3.32.040 Public parking area. Parking space will be established for public parking to be used in connection with county business. Members of the public on county business shall be charged for all time parked. Religious service volunteers who work at the King County jail are exempt from the payment of parking fees. Other exceptions from parking fees can be made if they meet explicit criteria for exemptions established in accordance with Section 3.32.010 and monitored by the King County auditor. (Ord. 10290 § 1, 1992: Ord. 10175 § 3, 1991: Ord. 8753 § 3, 1988: Ord. 7863 § 2, 1986: Ord. 3511 § 5, 1977).

3.32.045 Parking rates - 5th and Jefferson public parking. The parking rates for parking shall be as follows:

A. Daily parking:

1. 1 hour	\$3.00
1 - 2 hours	\$5.00
2 - 4 hours	\$6.00
4 -10 hours	\$8.00
Early bird special (Weekdays prior to 8:30 a.m.)	\$7.00
Special events	\$7.00

However, county employees not permanently assigned to a downtown work station shall pay no more than seventy-five dollars in any calendar month for such unassigned parking.

2. Evenings after 6 p.m. and all day Saturday, Sunday and legal holidays except during special events: \$4.00.

B. Special events rates - conditions. Special events rates shall apply after 6 p.m. weekdays and all day Saturday, Sunday and legal holidays and shall apply during those events designated in accordance with K.C.C. 3.32.010. Parking for special events shall be provided in surface lots and in the county automotive center, provided that county employees who pay for parking privileges in the automotive center shall be exempted from payment of the special event fee. (Ord. 13337 § 2, 1998: Ord. 11133 § 2, 1993: Ord. 10175 § 4, 1991: Ord. 9413 § 3, 1990: Ord. 8816 § 2, 1989: Ord. 8753 § 6, 1988).

3.32.050 Parking assignments. A. Employees and positions currently assigned stalls for the purpose of private parking within the automotive center and the King County courthouse will retain a parking space subject to payment of fees as specified in K.C.C. 3.32.020.

B. Spaces will be reserved for the ambulatory handicapped and located convenient to elevators. (Ord. 3511 § 6, 1977).

3.32.055 Parking rates - parking stalls. A. Monthly rates for parking stalls in the King County automotive center, adult detention center, courthouse, Yesler Building, open surface parking lots, and bicycle lockers shall be as follows:

	Parking Reserved	Parking Unreserved
a. Vehicle parking	\$110.00	\$100.00
b. Motorcycle parking	\$ 10.00	
c. Bicycle lockers	\$ 5.00	
d. Fifth and Jefferson surface lot	\$ 75.00	
e. Other surface lots	\$ 20.00	

3.32.055 - 3.32.090

(King County 12-98)
PERSONNEL

The facilities maintenance division of the department of construction and facility management shall identify surface parking lots for which it is reasonable and feasible to charge employees for monthly parking, and to implement such charges. These surface parking lots are located at county facilities outside the downtown Seattle metropolitan core and include, but are not limited to, district courts, health centers, alcohol treatment facilities, police precincts, youth service centers, and similar facilities.

B. For county employees with disabilities that make it difficult or impossible to use public transit, and who display a disabled parking permit, the fee for covered parking shall be fifty percent of the normal rate. Employees with disabilities shall receive first priority in the assignment of available parking stalls.

C. Authorized second and third shift parking and interim use parking in the automotive center shall be limited to floors four through seven. The executive will notify second and third shift employees of the availability of escort service. (Ord. 13337 § 4, 1998: Ord. 12077 § 18, 1995).

3.32.060 Penalties. The director of the department of construction and facility management is authorized to issue overtime parking citations and to impound vehicles found to be in violation of any of the provisions of this chapter or the regulations promulgated thereunder. The director may rescind the parking privilege of persons found to be in violation of this chapter or the regulations promulgated thereunder. (Ord. 12077 § 19, 1995).

3.32.090 Parking fee revenues - disposition. All revenues derived from parking fees shall be distributed as follows:

All parking revenues derived from the increase of parking rates for covered and uncovered parking effective on or after January 1, 1989 shall be reserved for the support of health and human services activities and shall be deposited in the Health and Human Services Set-aside Fund.

All revenue derived from elimination of free public parking shall be deposited in the Current Expense fund. (Ord. 10290 § 3, 1992: Ord. 10175 § 6, 1991: Ord. 8753 § 7, 1988).

(King County 12-98)
CHARITABLE CONTRIBUTIONS

3.36.010 - 3.36.030

Chapter 3.36
CHARITABLE CONTRIBUTIONS FROM COUNTY EMPLOYEES

Sections:

- 3.36.010 Intent and purpose.
- 3.36.020 Definitions.
- 3.36.030 Employee charitable campaign committee established.
- 3.36.040 Provisions for charitable campaigns.
- 3.36.050 Prior acts ratified.
- 3.36.060 Severability.
- 3.36.080 Permanent rules.

3.36.010 Intent and purpose. A. This chapter is intended to establish a means consistent with state law governing salary and wage deductions for charitable agencies, whereby uniform procedures will be established for the efficient administration of one annual campaign for charitable contributions from county employees which may be made through payroll deductions. This chapter shall be liberally construed to accomplish this purpose.

B. The purpose of this chapter is to:

1. Lessen the burden of county government and of local communities in the meeting of charitable needs;
 2. Provide a convenient channel through which county employees may contribute to the efforts of qualifying agencies providing services in the community or overseas;
 3. Minimize both the disruption to the county workplace and the costs to the taxpayer that multiple charitable fund drives have caused; and
 4. Ensure that recipient agencies are fiscally responsible in the uses of the monies raised.
- (Ord. 8575 § 1, 1988).

3.36.020 Definitions. A. "Campaign" means the solicitation of contributions from county employees by representatives of federations of charitable organizations through oral presentations, printed materials, audio/video media or other similar means which occurs on county property during normal county business hours.

B. "Charitable organization" means an organization which has been in active existence at least three years and which is formally recognized by the United States Internal Revenue Service as complying with Section 501(c)(3) of the Internal Revenue Code or is a governmental unit of the State of Washington, and all contributions to the organization must be deductible for federal income tax purposes under Section 170 of the Internal Revenue Service Code of 1954 as demonstrated by receipt of an

internal revenue service letter of determination granting tax deductible status to the charitable organization.

C. "Federation of charitable organizations" means a group representing at least five charitable organizations which is organized to solicit and distribute contributions on behalf of its member charitable organizations. (Ord. 9091, 1989: Ord. 8575 § 2, 1988).

3.36.030 Employee charitable campaign committee established. A. Composition. A county employee charitable campaign committee is established consisting of 15 members nominated by the campaign committee appointed by the executive and confirmed by the council. Nominations by the committee shall be made from a list of candidates assembled from all of the bargaining units and from unrepresented employees. The number of candidates solicited from each bargaining unit should be approximately proportional to the number of employees represented by the bargaining unit. The committee shall strive to include members representing the diversity of the county work force including at least two union members. The term of committee members shall be two years with eight members being appointed in odd-numbered years and seven members being appointed in even-numbered years. To ensure continuity of the membership for each year's campaign, terms shall begin on January 1 and expire March 1 two years later. The committee shall elect a chair annually and such other officers as may be needed.

(King County 3-96)
PERSONNEL

3.36.030 – 3.36.040

B. Functions. The committee shall recommend rules consistent with this chapter to the council as necessary to the conduct of the charitable campaigns. The rules shall be approved by the council prior to becoming effective. The committee shall also coordinate the charitable campaigns. Such coordination may include, but need not be limited to determining which federations of charitable organizations may, consistent with this chapter and any rules adopted pursuant to it, participate in the county's charitable campaign and the dates by which applications must be filed for the annual drive. The committee shall assist the executive or designee in the selection of a campaign administrator who shall be responsible for the details of the campaign operation under the general oversight of the committee. Cost of the campaign administrator shall be included as part of the administrative cost of conducting the campaign.

C. Compensation. Members of the committee shall serve voluntarily without additional salary but shall be reimbursed by their employing departments for travel, lodging and meals in accordance with county laws and regulations. Committee members shall be given release time from regular work hours to serve on the committee. Employee members of the committee shall be paid no additional compensation for working beyond normal working hours.

D. Transition. Members serving on the committee as of November 30, 1995 shall serve out their appointed term or until successors are appointed consistent with this section. (Ord. 11997, 1995: Ord. 10923 § 1, 1993: Ord. 9465 § 1, 1990: Ord. 8575 § 3, 1988).

3.36.040 Provisions for charitable campaigns. A. Frequency. There shall be one annual campaign by federations of charitable organizations as provided by this chapter and in accordance with rules adopted pursuant to this chapter. The executive shall designate the month in which the combined drive will be held.

B. Eligibility for participation. A federation of charitable organizations shall be eligible to participate in the annual campaign if:

1. The federation submits a timely application for participation to the committee to include as a minimum a certification signed by an authorized officer or employee of the federation which shall contain statements to the effect that:

a. The charitable organization and the federation meet the standards established respectively in Sections 3.36.020 B and C of this chapter.

b. The federation has been in existence and has actively made grants for the previous twelve months.

c. The federation has express permission of the board of directors of each organization represented by the federation for the use of its name and participation in the fund drive.

d. The federation and each organization represented by the federation is registered with the Secretary of State of Washington as provided by RCW 19.09.065 and is in compliance with Washington laws governing charities to the best of the knowledge of the individual certifying the application.

e. The federation and each organization represented by the federation except government units are governed by a voluntary board of directors which serves without compensation for serving on the board.

2. The federation and each organization represented by the federation shall not discriminate with respect to those classes of people protected by law.

3. The federation and each organization represented by the federation shall make available to the employee committee, the council, and the county executive copies of its annual report including its most recent financial statement, as well as a disclosure for that period of the total dollar value of support from all sources received on behalf of the charitable purposes of the organization and the total amount of money applied to charitable purposes, fund raising costs and other expenses.

4. Each federation and each organization represented by the federation shall expend a minimum of seventy-five percent of the monies raised from the combined fund drive for those charitable purposes for which the money was solicited within twelve months of receipt of the monies.

C. Payroll deductions authorized. Organizations conducting campaigns pursuant to this chapter and to the rules authorized by this chapter may solicit donations from county employees to be made by payroll deductions. The county shall make deductions from county employees' salary warrants and pay the monies so collected to the federations of charitable organizations designated by county employees when such deductions and payments are authorized by county employees pursuant to this chapter and rules herein authorized.

(King County 3-96)

CHARITABLE CONTRIBUTIONS

3.36.040 - 3.36.080

D. Use of county resources - prohibition. As provided in RCW 41.06.250(1) and 42.17.130, county property, equipment, or county employees' working time may not be used during a campaign for partisan political purposes, to assist in an individual's election to political office or for the promotion of or opposition to any ballot proposition.

E. Responsibility for promotional costs. All promotional costs associated with the campaign related to county employees shall be the responsibility of those organizations designated to participate in the distribution of the funds collected.

F. Voluntary participation. County employees' participation in charitable campaigns shall be strictly voluntary. No county employee shall be coerced to participate in any campaign presentation or coerced to make any donation to a charitable organization. No county employee shall be penalized for failing to participate in a campaign or for failing to make a donation to a charitable organization. (Ord. 8575 § 4, 1988).

3.36.050 Prior acts ratified. Any acts performed consistent with the authority and prior to the effective date of this chapter are hereby ratified and confirmed. (Ord. 8575 § 5, 1988).

3.36.060 Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such decision shall not affect the validity, applicability, or effectiveness of the remaining portions of this chapter, and to this end the provisions of this chapter are declared to be severable. (Ord. 8575 § 6, 1988).

3.36.080 Permanent rules. Pursuant to K.C.C. 3.36, the rules attached to Ordinance 10923* are hereby approved. The rules approved by this chapter shall be permanent rules to govern the 1993 King County Employee Charitable Campaign and all following campaigns. Any contract with any entity to administer and/or manage the King County Employee Charitable Campaign shall be approved by motion by the King County council prior to its execution by the executive. (Ord. 10923 § 2, 1993: Ord. 9465 § 2, 1990: Ord. 9090 §§ 1-3, 1989).

***Available in the office of the clerk of the council.**

(King County 9-2000)

Chapter 3.39
SEATTLE METROPOLITAN POLICE MUSEUM
CONTRIBUTIONS FROM COUNTY EMPLOYEES

Sections:

- 3.39.010 Purpose.
- 3.39.020 Deductions -- participation.

3.39.010 Purpose. The purpose of this chapter is to provide a convenient channel through which county employees may contribute membership fees to the Seattle Metropolitan Police Museum. (Ord. 13909 § 1, 2000).

3.39.020 Deductions -- participation. The county shall make deductions from a county employee's salary warrants and pay the moneys collected to the Seattle Metropolitan Police Museum if the employee authorizes the deductions and payments. A county employee's participation in the program is strictly voluntary. The coercion of an employee to participate or to make a donation to the program, and the penalization of an employee for failing to participate in the program, are prohibited. (Ord. 13909 § 2, 2000).

(King County 9-2000)

Chapter 3.42 WHISTLEBLOWER PROTECTION

Sections:

- 3.42.010 Policy - Purpose.
- 3.42.020 Definitions.
- 3.42.030 Right to report.
- 3.42.040 Confidentiality.
- 3.42.050 Investigation.
- 3.42.060 Reporting and adjudicating retaliation.
- 3.42.200 Severability.

3.42.010 Policy - Purpose. Unless prohibited by State law, County employees are encouraged to report on improper governmental action to the appropriate county or other government official. To assist such reporting and to implement Sections 42.41.030 and 42.41.040 of the Revised Code of Washington ("RCW"), this ordinance provides county employees a process for reporting improper governmental action and protection from retaliatory action for reporting and cooperating in the investigation and/or prosecution of improper governmental action in good faith in accordance with this subchapter. (Ord. 11687 § 3, 1995).

3.42.020 Definitions. As used in this ordinance, the following terms shall have these meanings:

A. "Investigating official" means, each in connection with a report of improper governmental action within his, her, or its respective jurisdiction; the ombudsman; a person to whom sexual harassment was properly reported according to county policy; the agency designated by the executive to receive unfair employment complaints filed under K.C.C. 12.18; the Washington State Commission on Judicial Conduct; the department of public safety's internal investigations unit; the county prosecuting attorneys of the State of Washington; the presiding judge of the district and superior courts; the executive; the department director of any executive agency; the assessor; the director of the department of judicial administration/clerk of the superior court; the chair of the council; and any authorized assistant or representative of any of them in cases within their respective appropriate jurisdictions.

B. "Employee" or "county employee" means any individual who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit or division of county government, however designated. The term "employee" or "county employee" also includes county elected officials and members of county boards, commissions, committees, or other multi-member bodies.

C. "Improper governmental action" means any action by a county officer or employee that is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of employment, and:

1. Violates any state or federal law or rule or county ordinance or rule, or
2. Constitutes an abuse of authority, or
3. Creates a substantial or specific danger to the public health or safety, or
4. Results in a gross waste of public funds.

"Improper governmental action" excludes personnel actions, including but not limited to: employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, violations of collective bargaining or civil service laws, or alleged violations of agreements with labor organizations under collective bargaining. A properly authorized county program or activity does not become an "improper governmental action" because an employee or investigating official dissents from the county policy or considers the expenditures unwise.

D. "Retaliate," and its kindred nouns, "retaliation" and "retaliatory action," means to make, because of a report of improper governmental action, any unwarranted adverse change in an employee's employment status or the terms and conditions of employment including, but not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other unwarranted disciplinary action; or, hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

E. "Emergency" means a circumstance that if not immediately changed may cause harm or injury to person or property. (Ord. 11687 § 2, 1995).

3.42.030 Right to report. A. Every county employee shall have the right to report, in good faith in accordance with this ordinance, information concerning an improper governmental action.

B. Limitations. This section does not authorize a county employee to report information that is subject to an applicable privilege against disclosure at law (e.g., RCW 5.60.060 privileged communications) unless waived, or to make disclosure where prohibited at law. The only purpose of this chapter is to protect and encourage employees who know or in good faith believe improper governmental action has occurred to report those actions in good faith in accordance with this ordinance. Except in cases of emergency where the employee believes in good faith that substantial damage to persons or property will result unless a report is made immediately to a person or entity who is not the appropriate investigating official listed in Section 3.42.020A, the employee shall, before making a report to a person who is not the appropriate investigating official, first make a written report of the improper governmental action to the appropriate investigating official. No emergency under this subsection exists where prompt attention and reporting under this chapter by the employee could have avoided the perceived need to report immediately to a person not the appropriate investigating official. An employee making a written report as required by this subsection is encouraged to wait at least thirty (30) days from receipt of the written report by the appropriate investigating official before reporting the improper governmental action to a person who is not an appropriate investigating official. However, reporting to a person who is not an appropriate investigating official prior to this thirty (30) day period will not result in the loss of the protections contained in this ordinance. An employee's reporting of his or her own improper action does not grant an employee immunity from discipline or termination insofar as his or her improper action would be cause for discipline.

C. Employee protection. The following conduct by employees is protected if carried out in good faith under this chapter:

1. Reporting sexual harassment to the employee's supervisor, department head, or other government official as set out in the county's adopted procedure for reporting sexual harassment complaints; reporting violations of the fair employment practices ordinance (K.C.C. 12.18) to the executive or his or her designee; reporting police misconduct to the department of public safety's internal investigation unit; reporting violations of the Code of Judicial Conduct to the Washington State Commission on Judicial Conduct; reporting improper governmental action occurring within the district court to the presiding judge of the district court; reporting improper governmental action occurring within the legislative branch to the chair of the council; reporting improper governmental action occurring within the executive branch to the executive or to the department director of the executive agency in which the alleged improper governmental action occurred or to the ombudsman; reporting improper governmental action occurring within the department of judicial administration to the director/clerk of the superior court or to the ombudsman; reporting improper governmental action occurring within the department of assessments to the assessor or to the ombudsman; reporting improper governmental action occurring within the superior court to the presiding judge of the superior court; reporting violations of criminal laws to the county prosecuting attorney; and reporting violations of the Ethics Code, and any actions for which no other appropriate recipient of a report is listed in this subsection, to the ombudsman.

2. Cooperating in an investigation by an "investigating official" related to "improper governmental action"; and/or

3. Testifying in a proceeding or prosecution arising out of an "improper governmental action."

D. Retaliation prohibited. No county officer or employee shall retaliate against any employee because that employee has in good faith utilized the provisions of this chapter.

E. Penalty. Any county officer or employee who engages in prohibited retaliatory action is subject to disciplinary action up to and including termination.

F. Distribution of policy and procedures. Upon entering county service, every county officer and employee shall receive a written summary of this chapter, the procedures for reporting improper governmental actions to investigating officials, the procedures for obtaining the protections extended, and the prohibition against retaliation in this section. Copies of these summaries shall be conspicuously posted where all employees will have reasonable access to them. (Ord. 11687 § 4, 1995).

3.42.040 Confidentiality. To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee in writing waives confidentiality. (Ord. 11687 § 5, 1995).

3.42.050 Investigation. A. Referral or retention. The ombudsman is the appropriate investigating official for all improper governmental actions not specifically referred to in Section 3.42.030C.1. The ombudsman is also an appropriate investigating official for alleged improper governmental action occurring within an executive branch agency, including the department of assessments and the department of judicial administration. If, in accordance with the guidelines of Section 3.42.030C.1, the ombudsman is not the appropriate investigating official, the ombudsman shall, immediately upon receipt, refer reports alleging improper governmental action to the appropriate investigating official listed in Section 3.42.020. If the report of improper governmental meets the definition of a complaint under K.C.C. 3.04.055 (the Employee Code of Ethics), the ombudsman shall investigate that allegation according to the ordinances and rules applicable to the ethics code. If the ombudsman is an appropriate investigating official and the report does not meet the definition of a complaint under the ethics code, the ombudsman may refer the report to the department director of the agency in which the alleged improper governmental action occurred or to the chief elected official of the branch of government implicated in the allegation, who shall ensure that the appropriate officer or agency responds to the complainant in writing within thirty (30) days of the receipt of the report, with a copy of the response to the ombudsman. If the ombudsman does not refer to another official, or if the other official's response is not timely or satisfactory to the ombudsman, the ombudsman may conduct an investigation. If a report of improper governmental action is filed with the executive or a department director, including the clerk of the superior court or the assessor, and a report is concurrently filed with the ombudsman, the ombudsman should defer action until the investigation is completed by the affected department. When the ombudsman chooses to conduct a concurrent investigation the ombudsman shall notify the executive and the chair of the council. The procedures in Sections 3.42.050B through E shall apply only to the ombudsman when he or she is investigating a report of an improper governmental action that is not investigated according to the rules applicable to the ethics code in accordance with Section 3.42.050A. The procedures in Section 3.42.050B through E do not apply to any other government official.

B. Ombudsman's investigation. If at any stage in an investigation of an alleged "improper governmental action," the ombudsman may issue subpoenas, administer oaths, examine witnesses, compel the production of documents or other evidence, refer the matter to the State Auditor, law enforcement authorities or other governmental agency, and/or issue reports, each as deemed appropriate. Within thirty (30) days after receiving information about an "improper governmental action" from a county employee, the ombudsman shall conduct a preliminary investigation, and provide the complainant with a written report of the general status of the investigation which may include matters for further research or inquiry.

C. Completion and reports. Upon completion of the investigation, the ombudsman shall notify the complainant in writing of any determinations made. If the ombudsman determines that an improper governmental action has occurred, the ombudsman shall report the nature and details of the activity to the complainant; to the head of the department with responsibility for the action and if a department head is implicated, to the executive and county council; and to such other governmental officials or agencies as the ombudsman deems appropriate. If satisfactory action to follow up the report is not being taken within a reasonable time, the ombudsman shall report his or her determination to the executive and advise the county council.

D. Closure. The ombudsman may close an investigation at any time he or she determines that no further action is warranted and shall so notify the complainant.

E. Decisions of the ombudsman under this section may not be appealed to the Board of Ethics. (Ord. 11687 § 6, 1995).

3.42.060 Reporting and adjudicating retaliation. A. Complaint. In order to seek relief, an employee who believes he or she has been retaliated against in violation of K.C.C. 3.42.030D must file a signed written complaint within 30 days of the occurrence alleged to constitute retaliation. The complaint shall be filed with the ombudsman and must specify the alleged retaliatory action and the relief requested.

B. Investigation and Response. The ombudsman shall immediately forward the complaint to the head of the executive office or department in which the retaliation is alleged to have occurred; or to the prosecuting attorney, if his office is implicated in the complaint; or to the chair of the county council or to the presiding judge of the superior or district courts if their respective branches are implicated in the complaint. The head of the department, office, or branch to which the complaint was referred shall ensure that the complainant is sent a response within thirty (30) days after the filing of the complaint with the ombudsman. If the head of an executive office or department is alleged to have retaliated in violation of K.C.C. 3.42.030D, the executive shall ensure that the complainant is sent a response within thirty (30) days after the filing of the complaint with the ombudsman.

C. Hearing. If an employee who has filed a complaint of retaliation under this section is dissatisfied with the response and desires a hearing pursuant to RCW 42.41.040, or the employee has not received a response within forty-five (45) days of having filed the complaint with the ombudsman, the employee shall deliver a request for hearing to the head of the branch within which retaliation is alleged to have occurred within fifteen (15) days of receipt of the response from the county or, if no response is received within the forty-five (45) day response period, within fifteen (15) days of the expiration of the response time period. Within five (5) working days of receipt of the request for hearing, the county shall apply to the state office of administrative hearings for a hearing to be conducted as provided in RCW 42.41.040.

D. Extension. If the chief elected official in the branch of government where the retaliation is alleged to have occurred finds that additional time is needed to make a proper response to the complaint of retaliation, he or she shall notify the complainant in writing prior to the expiration of the forty-five (45) day response period. The effect of such notice is to extend for an additional forty-five (45) days the time period in which a response must be made. Only one forty-five (45) day extension may be obtained, provided, however, an employee shall not have the right to seek a hearing under this section pursuant to RCW 42.41.040 if the complaint of retaliation is pursued under and falls within the subject matter jurisdiction of a collective bargaining agreement grievance procedure ending in binding arbitration or the career service grievance procedure ending in a hearing before the personnel board. (Ord. 11687 § 7, 1995).

3.42.200 Severability. The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 11687 § 8, 1995).

Chapter 3.46
DRUG/ALCOHOL EDUCATION AND TESTING

Sections:

- 3.46.010 Drug/alcohol education and testing program - Established.
- 3.46.020 Definitions.
- 3.46.030 Policy - Limited applicability.
- 3.46.040 Education.
- 3.46.050 Testing.
- 3.46.060 Types of testing.
- 3.46.070 Discipline.
- 3.46.080 Executive authorized to sign agreements.

3.46.010 Drug/alcohol education and testing program - Established. There is established a program for prohibited drug use/alcohol misuse education and testing program policy limited to persons employed by King County or employed by a transit contractor performing certain safety sensitive functions as defined in applicable federal law. (Ord. 12413 § 2, 1996).

3.46.020 Definitions. A. "Safety sensitive" relates to the following functions:

1. Operating revenue service vehicles, including operation when the vehicle is not in revenue service;
2. Operating nonrevenue service vehicles when operation of such vehicles requires the driver to hold a commercial driver's license (CDL);
3. Controlling the dispatch or movement of a revenue service vehicle;
4. Maintaining a revenue service vehicle or equipment used in revenue service;
5. Carrying a firearm for transit security purposes; or
6. All employees of independent contractors who perform services for King County in positions which are listed previously. (Ord. 12413 § 1, 1996).

3.46.030 Policy - Limited applicability. King County as a federal grantee and contractor responsible for certain transportation or related operations and programs is committed to maintaining a drug/alcohol-free workplace to promote both the safety of its employees, customers and the public and the quality of its services. Every King County employee or employee of a transit contractor who holds a position which is defined as safety sensitive is subject to regulations issued pursuant to the Omnibus Transportation Act of 1991, as subsequently amended, and each employee, in accordance with this act and under King County authority shall follow applicable rules and regulations promulgated under K.C.C. 2.98 and/or bargained in good faith under Ordinance 11480, provided that such rules and regulations shall not limit collectively bargained agreements already in effect upon the effective date of Ordinance 12413 (8/8/96) codified in this chapter. It is the policy of King County that the provisions of this chapter shall be strictly related to the intent of the Omnibus Transportation Employee Testing Act of 1991, as subsequently amended; 49 CFR Parts 40, 382, 653 and 654 and the U.S. Drug Free Workplace Act of 1988, as subsequently amended and applicable regulations issued pursuant to such acts. The passage of Ordinance 12413 notwithstanding, nothing in this chapter shall preclude a future legal challenge enjoining the federal government from abrogating the civil rights protections contained in the State of Washington Constitution. (Ord. 12413 § 3, 1996).

3.46.040 Education. All county employees and employees of independent contractors who perform safety sensitive functions covered by this chapter shall receive a copy of the county's prohibited drug use and alcohol misuse education and testing program policy and appropriate information concerning the prohibited drug and misuse education and testing program. The executive shall be authorized to establish an education program appropriate to the functions of employees covered by this chapter. (Ord. 12413 § 4, 1996).

3.46.050 Testing. Employees subject to alcohol testing under this chapter will have a sample of their breath tested for the presence of the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols and including methyl or isopropyl alcohol. Any refusal to submit to an alcohol test and all positive alcohol tests will be reported to the executive or his/her designee. Employees subject to drug testing will have a sample of their urine tested for the presence of five drugs as follows:

1. Marijuana;
2. Cocaine;
3. Opiates;
4. Amphetamines;
5. Phencyclidine.

All drug tests will be reported by the testing laboratory to a medical review officer designated by the county who will evaluate the results. After evaluation and interpretation, all verified positive test results will be reported by the medical review officer to the executive or his/her designee. Any refusal to submit to a drug test will be immediately reported by the collection site to the executive or his/her designee. If employees test positive as previously explained, said employees will be notified by the medical review officer that they have seventy-two hours following this notification in which to request, at their own expense, that a split urine specimen be tested by another laboratory certified by the State Department of Health and Human Services. In the event that the split sample test is negative, the employee will be reimbursed for the test. Failure to request testing of the split specimen within seventy-two hours of being notified of a positive test by the medical review officer will result in the test results from the original specimen being accepted as the final test results. Provided, that there will be only one random testing pool for all King County employees covered by the provisions of this chapter. Independent contractors will have the option of participating in one random testing pool for all their employees who perform safety sensitive functions covered by this chapter. (Ord. 12413 § 5, 1996).

3.46.060 Types of testing. All county employees subject to the provisions of this chapter shall be required to submit to the following tests as applicable: pre-employment tests; post accident tests; random tests; reasonable suspicion tests; and return to duty/follow-up tests. The executive shall promulgate rules and regulations necessary and proper to implement this chapter insuring employee confidentiality, the integrity of the testing process, safeguarding the validity of the test results, and ensuring that the test results are attributed to the correct employee. Provided, that all county employees and their union representatives, if applicable, subject to the provisions of this chapter shall be provided with a copy of the appropriate forms prepared indicating the grounds for requiring an employee to submit to a reasonable suspicion test within twenty-four hours of testing or as soon as possible thereafter. Provided further, that when available, a second supervisor will also observe an employee to determine if a reasonable suspicion test is required and complete the related forms in accordance with this chapter and rules and regulations promulgated pursuant thereof. (Ord. 12413 § 6, 1996).

3.46.070 Discipline. It is the policy of King County that employees performing safety sensitive functions as defined in this chapter, as subsequently amended, will be subject to discipline as appropriate and specified in procedures and rules promulgated under K.C.C. 2.98 and collective bargaining agreements adopted under Ordinance 11480. (Ord. 12413 § 7, 1996).

3.46.080 Executive authorized to sign agreements. The executive or his/her designee is authorized to enter into agreements with alcohol and drug testing services providers as required for the implementation of this chapter. (Ord. 12413 § 8, 1996).